



## Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

# **Chapter 4 - Special Permits by the City Planning Commission**

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# Chapter 4 - Special Permits by the City Planning Commission

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## 74-00 - POWERS OF THE CITY PLANNING COMMISSION

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LAST AMENDED  
12/15/1961

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### 74-01 - General Provisions

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LAST AMENDED  
6/6/2024

In harmony with the general purpose and intent of this Resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits in specific districts for the #uses# listed in this Chapter, whose location or control requires special consideration or major planning factors, or for specified modifications of the #use# or #bulk# regulations of this Resolution, provided that in each specific case the requirement for findings as set forth in this Chapter shall constitute a condition precedent to the grant of such special permit.

In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such special permit #use# or #building or other structure# permitted hereunder shall conform to and comply with all of the applicable regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory# #signs#, #accessory# off-street parking and off-street loading, and all other applicable provisions of this Resolution except as otherwise specifically provided in this Chapter.

In addition, the Commission, with the concurrence of the Board of Estimate, shall also have the power to permit the renewal of an exception or permit issued prior to December 15, 1961, in accordance with the provisions of Section [11-41](#) relating to Exceptions, Variances or Permits Previously Authorized.

In all Special Purpose Districts, the provisions of Section [23-934](#) (Special permit approval in Special Purpose Districts), with respect to special permits that modify #use# or #bulk#, shall apply. In the #Special Midtown District#, the powers of the Commission to permit special permit #uses# are modified by the provisions of Section [81-13](#) (Special Permit Use Modifications), and the powers of the Commission to permit modification of the #bulk# regulations or grant bonus #floor area# for certain amenities are made inapplicable or modified in accordance with the provisions of Section [81-062](#) (Applicability of Chapter 4 of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section [62-132](#) (Applicability of Article VII, Chapters 4, 8 and 9).

Except as permitted pursuant to this Chapter, in R3, R4 or R5 Districts, the following #uses# listed under Use Group IV shall be subject to the height and setback requirements of an R2 District:

Fire stations

Police stations

Electric utility substations or public transit or railroad electric substations, limited to sites of not less than 40,000 square feet and not more than 10 acres

Sewage disposal plants.

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### 74-02 - Further Requirements

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LAST AMENDED

6/6/2024

It shall be a further requirement that the decision or determination of the City Planning Commission shall set forth each required finding in each specific grant of a special permit #use#, or modification of the #use# or #bulk# regulations, and in each denial thereof which of the required findings has not been satisfied. In any such case, each finding shall be supported by substantial evidence or other data considered by the Commission in reaching its final decision, including the personal knowledge of or inspection by the members of the Commission.

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## **74-03 - Requirements for Applications**

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LAST AMENDED

6/6/2024

An application to the City Planning Commission for the grant of a special permit respecting any of the #uses# specified in this Chapter shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the Commission.

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## **74-04 - Conditions and Safeguards**

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LAST AMENDED

6/6/2024

The City Planning Commission may prescribe such conditions and safeguards to the grant of special permits as it may deem necessary in the specific case, in order to minimize the adverse effects of such special permit upon other property and the community at large. Such conditions and safeguards shall be incorporated in the building permit and certificate of occupancy. Failure to comply with such conditions or restrictions shall constitute a violation of this Resolution, and may constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

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## **74-05 - General Provisions for Special Permit Uses**

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LAST AMENDED

6/6/2024

The City Planning Commission shall have the power to permit in the districts indicated, the special permit #uses# set forth in this Chapter and to prescribe appropriate conditions and safeguards thereon, provided that in each specific case:

- (a) The Commission shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use#, and shall find that the hazards or disadvantages to the community at large through the location of such #use# at the particular site are outweighed by the advantages to be derived by the community from the grant of such special permit #use#.

The Commission shall in each case determine that the adverse effects, if any, on the privacy, quiet, light and air in the neighborhood of such #use# will be minimized by appropriate conditions governing location of the site, design and method of operation.

- (b) In all cases, the Commission shall deny a special permit #use# whenever such #use# will interfere with a public improvement project (including housing, highways, public #buildings# or facilities, redevelopment or renewal projects,

or rights-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit #use#.

- (c) Where, under the applicable findings, the Commission is required to determine whether the special permit #use# is appropriately located in relation to the #street# system, the Commission shall make such determination on the basis of the Master Plan of Arterial Highways and Major Streets. Whenever the Commission is required to make a finding on the location of a proposed special permit #use# in relation to secondary or local #streets# and such classification of #streets# is not shown on the Master Plan, the Commission shall thereupon establish the appropriate classification of such #streets#.
- (d) All applications relating to Sections [74-41](#) to [74-70](#), inclusive, and Section [74-80](#) shall be referred by the Commission to the Department of Traffic for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location, and when so required in the specific Section, the Commission shall refer the application to a designated agency for a report on the issue in question. If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issue referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.
- (e) The Commission may authorize any special permit #use# for such term of years as it deems appropriate.
- (f) The Commission may permit the #enlargement# or #extension# of any existing #use# which, if new, would be permitted by special permit in the specified districts under the provisions of Section [74-01](#) (General Provisions) and other applicable provisions of this Chapter, provided that before granting any such permit for #enlargement# or #extension# within the permitted districts, the Commission shall make all of the required findings applicable to the special permit #use#, except that:
  - (1) in the case of #public parking garages# or #public parking lots#, the Commission may waive all such applicable required findings set forth in Sections [74-193](#) or [74-194](#); and
  - (2) in the case of electric utility substations or public transit or railroad electric substations, the Commission may waive all such required findings set forth in Sections [74-142](#) or [74-147](#), except that the requirements with respect to site size shall not be waived.

No such #enlargement# or #extension# shall create a new #non-compliance# or increase the degree of #non-compliance# with the applicable #bulk# regulations.

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## **74-06 - Additional Considerations for Special Permit Use and Bulk Modifications**

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LAST AMENDED  
6/6/2024

Where a special permit application would allow a significant increase in #residential# #floor area# and the special #floor area# requirements in #Mandatory Inclusionary Housing areas# of paragraph (d) of Section [23-154](#) (Inclusionary Housing) are not otherwise applicable, the City Planning Commission, in establishing the appropriate terms and conditions for the granting of such special permit, shall apply such requirements where consistent with the objectives of the Mandatory Inclusionary Housing program as set forth in Section [23-92](#) (General Provisions). However, where the Commission finds that such special permit application would facilitate significant public infrastructure or public facilities addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#, the Commission may modify the requirements of such paragraph (d).

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## 74-10 - SPECIAL PERMIT USES

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LAST AMENDED  
6/6/2024

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## 74-11 - Agriculture and Other Open Uses

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LAST AMENDED  
6/6/2024

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## 74-12 - Residences

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LAST AMENDED  
6/6/2024

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### 74-121 - Residential use in C4-1 Districts in Staten Island

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LAST AMENDED  
12/5/2024

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block#, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or Article III, Chapter 5, as applicable.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

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## 74-13 - Community Facilities

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LAST AMENDED  
6/6/2024

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### 74-131 - Long-term care facilities

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LAST AMENDED  
12/5/2024

The Commission may permit #long-term care facilities# listed under Use Group III(A) in R1 and R2 Districts where they are not permitted as of right, provided that the following findings are made:

- (a) such #use# is compatible with the character of the surrounding area;
- (b) the proposed #building# access, orientation and landscaping create an adequate buffer between the proposed facility and nearby #residences#; and
- (c) the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made

to handle such traffic.

Where such #use# is permitted by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section [74-902](#) (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts).

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-132 - Non-profit hospital staff dwellings**

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LAST AMENDED

6/6/2024

The City Planning Commission may permit #non-profit hospital staff dwellings# in accordance with the conditions of paragraph (a) of this Section, provided that the findings of paragraph (b) are met.

- (a) The Commission may permit:
  - (1) in all #Residence Districts#, or in C1, C2, C3, C4, C5, C6 or C7 Districts, #non-profit hospital staff dwellings# located on a #zoning lot#, no portion of which is located more than 1,500 feet from the non-profit or voluntary hospital and related facilities; or
  - (2) in C4-2 Districts without a letter suffix, in Community District 11 in the Borough of the Bronx, #non-profit hospital staff dwellings# on #zoning lots# located not more than 1,500 feet from the non-profit or voluntary hospital and related facilities.
- (b) To permit such #non-profit hospital staff dwellings#, the Commission shall find:
  - (1) that the #bulk# of such #non-profit hospital staff dwelling# and the density of population housed on the site will not impair the essential character or the future use or development of the surrounding area; and
  - (2) that the number of #accessory# off-street parking spaces provided for such #use# will be sufficient to prevent undue congestion of #streets# by such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-133 - Swimming pool clubs or certain non-commercial clubs**

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LAST AMENDED

6/6/2024

In all #Residence Districts#, the City Planning Commission may permit a non-commercial outdoor swimming pool club, or any non-commercial club with an outdoor swimming pool located less than 500 feet from any #lot line#, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the essential character or future use or development of the nearby residential neighborhood;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# has adequate reservoir space at the vehicular entrance to prevent the congestion of automobiles on the

#streets#;

- (d) that in R1, R2, R3 or R4 Districts, the pool or any #accessory# facilities affixed to the land are not located closer than 100 feet or, in the case of an #accessory# outdoor tennis court, such tennis court shall not be closer than 20 feet, to any #side# or #rear lot line# coincident with a #side# or #rear lot line# of an adjoining #zoning lot# in a #Residence District#, and not located closer than 50 feet to any #street line#, and that any planned temporary enclosure such as an air-supported structure be indicated on the plans submitted with this application, and in no event shall such a structure be located closer than 50 feet from any #street# or #lot line#, if such a structure is planned subsequent to the approval of the special permit, then an amended application subject to the same approvals of this Section shall be submitted; and
- (e) that for every 200 square feet of #lot area# used for the pool and its #accessory# facilities, one #accessory# off-street parking space is provided.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or the hours of operation, or requirements for shielding of floodlights, screening or surfacing of all access roads or driveways.

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## 74-134 - Other community facility uses in M1 Districts

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LAST AMENDED

6/6/2024

In M1 Districts, the City Planning Commission may permit any remaining #uses# listed under Use Group III(B), other than educational institutions, provided that such #use# is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

- (a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-#residential districts# is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along #lot lines# of the #zoning lot#;
- (b) such facility is so located as to draw a minimum of vehicular traffic to and through local #streets# and that such #use# will not produce traffic congestion or other adverse effects that interfere with the appropriate #use# of land in the district or in any adjacent district;
- (c) where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (e) within the neighborhood primarily to be served by the #community facility#, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
- (f) such facility will not impair the essential character of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-14 - Public Service Facilities and Infrastructure

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LAST AMENDED

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## 74-141 - Fire or police stations

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LAST AMENDED

6/6/2024

In all #Residence Districts#, the City Planning Commission may permit fire or police stations listed under Use Group IV(A), provided that the following findings are made:

- (a) that such #use# will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as-of-right and from which it could serve the residential area, which make it necessary to locate such #use# within a #Residence District#; and
- (b) in the case of fire stations, that such #use# is so located as to minimize the movement of fire apparatus through local #streets# in residential areas.

For any such #use#, the Commission may permit appropriate modifications of the applicable regulations of Article II, Chapter 3, provided that such #use# complies with all the applicable district #bulk# regulations for #community facility buildings# as set forth in Article II, Chapter 4.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements for landscaping.

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## 74-142 - Electric utility substations

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LAST AMENDED

6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit electric utility substations (including transformers, switches, or auxiliary apparatus) listed under Use Group IV(B), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

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## 74-143 - Sewage pumping stations and sewage disposal plants

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LAST AMENDED

6/6/2024



The City Planning Commission may permit sewage pumping stations and sewage disposal plants listed under Use Group IV(B) pursuant to paragraphs (a), (b) or (c) of this Section, as applicable.

(a) Private sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit private sanitary or storm water sewage pumping stations and sewage disposal plants, provided that:

- (1) such use will serve a #development# which contains more than 15 #dwelling units#;
- (2) there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area;
- (3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities;
- (4) for sewage disposal plants:
  - (i) the related #development# is arranged in such a way as best to serve active and passive recreation needs; protect and preserve scenic assets and natural features such as trees, streams and topographic features; and provide suitable variations in the siting of #buildings# to achieve these objectives; and
  - (ii) the proposed plant will be adequate for anticipated development in the area to be served; or
- (5) in all cases, the proposal promotes and protects the public health, safety and general welfare.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Resources for a report.

The Commission may review the scope and impact of the proposal on public facilities and may, in addition, prescribe appropriate conditions or safeguards without dictating the architectural design of individual #buildings# in order to minimize adverse effects on the surrounding area.

(b) Private sewage disposal plants

In all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the City Planning Commission may permit private sewage disposal plants provided that:

- (1) such #use# will serve the commercial or residential area within which, or adjacent to which, it is to be located;
- (2) that in the case of a residential area, such area contains more than 50 #dwelling units#; and
- (3) that there are serious difficulties in locating it in a district where it is permitted as-of-right from which it could serve the residential area or commercial area.

In addition, the Commission shall refer such application to the Department of Health and the Department of Environmental Protection for a report.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices, and landscaping.

(c) Municipal sewage pumping stations and sewage disposal plants

In all #Residence Districts#, the Commission may permit municipal sewage pumping stations, and in all #Residence Districts#, #Commercial Districts# and M1 and M2 Districts, the Commission may permit municipal sewage disposal plants, provided that:

- (1) there are serious difficulties in locating it in a district where it is permitted as-of-right;
- (2) in the case of sewage disposal plants, the proposed plant will be adequate for anticipated development in the area to be served;
- (3) in the case of sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities; and
- (4) in all cases, the proposal promotes and protects the public health, safety and general welfare.

The Commission may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area including safety devices and the concealment of such #use# with fences, buffer zones, barriers or other screening devices and landscaping.

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## 74-144 - Airports

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LAST AMENDED  
6/6/2024

In all #Manufacturing Districts#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of airports and their facilities listed under Use Group IV(B), in any case where the applicant has submitted a site plan showing the location and dimensions of all runways, provided that the following findings are made:

- (a) that the airport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration, for the report of such agency as to whether such airport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region; and whether a new, reoriented, or lengthened runway will interfere with the flight pattern of any nearby airport.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the Commission may adopt a resolution to amend the #zoning maps# so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent #Residence District# shall be mapped as an R1, R2, or R3 District, and any adjacent #Commercial# or #Manufacturing District# shall be mapped as a C1, C2, C3, C4-1, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3 or M3 District.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

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## 74-145 - Bus stations

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The City Planning Commission may permit bus stations listed under Use Group IV(B) with fewer than 10 berths pursuant to paragraph (a) of this Section, and with 10 or more berths pursuant to paragraph (b) or paragraph (c), as applicable.

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in this Section.

- (a) In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:
- (1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;
  - (2) that the principal access of such #use# is not located on a local #street#;
  - (3) that vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart; and
  - (4) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

- (b) In C4, C6 or #Manufacturing Districts#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:
- (1) that the use of the premises as a bus station will not create serious traffic congestion, will not be detrimental to public health or general welfare and is consistent with the master plan of the city;
  - (2) that the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
  - (3) that such #use# is not located within 200 feet of a #Residence District#, or is otherwise separated from nearby #residential# areas by topographical or physical conditions of the land;
  - (4) that vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart; and
  - (5) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the

surrounding area.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

- (c) In any #Commercial District# or #Manufacturing District#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of any size, where the #bus station and related facilities# are located wholly or partially in the #Special Midtown District# within Community District 4 in the Borough of Manhattan.

For purposes of this paragraph (c), a “bus station and related facilities” shall refer to: any bus station and #uses# #accessory# thereto that are #developed# in accordance with a special permit granted under this paragraph (c); and any #uses# that are constructed and maintained pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York.

In conjunction with a permit for a bus station, when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# that will contain such bus station, the Commission may permit, in such demapped air space, the #development# or #enlargement# of a #building# or portion thereof which is part of such bus station. The Commission may also permit, in connection with such bus station or any other #use# #developed# on the same #zoning lot# as such bus station, the modification of any applicable mandatory district plan elements, #bulk# regulations of this Resolution other than #floor area ratio# provisions, or the distribution of total allowable #floor area# without regard for #zoning lot# lines or district boundaries.

In order to grant such a permit, the Commission shall determine that the conditions set forth in paragraph (c)(1) and the findings set forth in paragraphs (c)(2) and (c)(3) of this Section, as applicable, are met.

Where the #bus station and related facilities# allowed under this Section will be #developed# pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York, any #buildings or other structures# comprising such #bus station and related facilities# shall not be subject to the #bulk# regulations or other applicable regulations of this Resolution, and the floor space within such #buildings or other structures# shall be excluded from the calculation of #floor area#.

The curb level of a zoning lot of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations relating to open space, yards, level of yards, equivalent rear yards, rear yard setback, minimum distance between buildings, and height and setback.

(1) Conditions

Where the #development# or #enlargement# of a #building# is allowed within one or more demapped air spaces pursuant to this Section, such demapped air spaces and any adjoining tracts of land containing such #building# may be considered as part of a single #zoning lot#, but such demapped air spaces shall not generate #floor area# to be utilized on such #zoning lot#.

(2) Findings applicable to bus station #use#

In order to allow such bus station #use#, the Commission shall find that:

- (i) the operation of such bus station does not create serious traffic congestion, and is not detrimental to public health or general welfare of the city;

- (ii) the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (iii) the site plan for the #bus station and related facilities# includes pedestrian-oriented public spaces that, in their sizes and locations, reflect appropriate consideration of existing or planned at-grade pedestrian circulation networks;
- (iv) the design of the facility, including public entrances to the bus station, vehicular entrances and exits, bus ramps or overpasses, and accessory #uses# within the #bus station and related facilities# are sited and designed in a manner that reflects appropriate consideration of the civic importance of the site and of the experience of pedestrians within existing or planned #streets# or open areas;
- (v) the locations of at-grade entrances to such #bus station and related facilities# are designed to encourage pedestrian circulation into and on the #zoning lot# and are well-situated in relation to existing and proposed at-grade pedestrian and bicycle circulation networks;
- (vi) the bus station provides adequate connections to and from existing transportation facilities;
- (vii) the bus station and surrounding transportation network accommodate projected bus volumes and reduces potential conflicts between buses and other modes of transportation in the surrounding area; and
- (viii) the #use# and #development# of the bus station will not have undue adverse impacts on the character of or land uses in the surrounding area.

(3) Findings applicable to modifications other than those allowing the #bus station and related facilities#

In order to modify any other applicable regulations of this Resolution, the Commission shall find that:

- (i) such modifications will facilitate an improved site plan for the #bus station and related facilities# or are otherwise in furtherance of the bus station project;
- (ii) such modifications will not unduly obstruct access to light and air from surrounding #streets#, open areas and properties; and
- (iii) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #zoning lot# or the intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-146 - Heliports

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LAST AMENDED  
6/6/2024

In C3, C4, C5, C6, C7 or C8 Districts or in any #Manufacturing District#, the City Planning Commission may permit the construction, reconstruction, or #enlargement# of heliports and their facilities listed under Use Group IV(B) where the applicant has submitted a site plan showing the location of landing areas, provided that the following findings are made:

- (a) that the heliport is an appropriate #use# of the land and will not unduly interfere with surrounding land #uses#; and
- (b) that due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the heliport is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in the Resolution with respect to other major traffic-generating facilities.

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## **74-147 - Public transit or railroad electric substations**

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LAST AMENDED  
6/6/2024

In all #Residence# and #Commercial Districts#, and in M1 Districts in the #Special Downtown Jamaica District#, the City Planning Commission may permit public transit or railroad electric substations, listed under Use Group IV(B), limited in each case to a site of not less than 40,000 square feet nor more than 10 acres, provided that the following findings are made:

- (a) that there are serious difficulties in locating such #use# in a nearby district where it is permitted as-of-right;
- (b) that the site for such #use# is so located as to minimize the adverse effects on the integrity of existing and future development;
- (c) that the architectural and landscaping treatment of such #use# will blend harmoniously with the rest of the area; and
- (d) that such #use# will conform to the performance standards applicable to M1 Districts.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers, or other safety devices, for surfacing of all access roads and driveways, for shielding of floodlights or other artificial illumination, or for landscaping or screening.

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## **74-148 - Railroad passenger stations**

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LAST AMENDED  
6/6/2024

- (a) Except as provided in paragraph (b) of this Section, the City Planning Commission may permit the construction of railroad passenger stations listed under Use Group IV(B) in all districts, provided that the following findings are made:
  - (1) that the principal access for such #use# is not located on a local #street#;
  - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas; and

- (3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways. In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

- (b) In Community Districts 4 and 5 in the Borough of Manhattan, the Commission may permit the construction of railroad passenger stations and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station, and may permit waivers of applicable #bulk# regulations, other than #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;
- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
  - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
  - (ii) the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section [81-542](#) (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the Commission. The proposed site plan shall be referred to the affected Community Board, City

Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to 60 days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section [37-625](#) (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) of this Section.

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## 74-149 - Seaplane bases

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LAST AMENDED  
6/6/2024

In all districts, the City Planning Commission may permit seaplane bases listed under Use Group IV(B) provided that the following findings are made:

- (a) that such #use# and the take-off and landing operations it serves are so located as not to impair the essential character or future #use# or #development# of the surrounding area; and
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas.

The Commission shall refer the application to the Federal Aviation Administration for the report of such agency as to whether the seaplane base is either an integral part of, or will not interfere with, the general plan of airports for New York City and the surrounding metropolitan region.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution.

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## 74-15 - Transient Accommodations

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LAST AMENDED  
6/6/2024

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## 74-151 - In R10H Districts

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In R10H Districts, the City Planning Commission may permit #transient hotels# listed under Use Group V. Where a #building# in existence on December 15, 1961, is located on a #zoning lot#, a substantial portion of which is located in an R10H District and the remainder in a #Commercial District#, the Commission may also permit the #conversion# of specified #floor area# within such #building# from #residential use# to #transient hotel# #use# without regard to the #floor area#, supplementary #use# or density regulations otherwise applicable in the #Commercial District#. The Commission may also allow any subsequent #conversion# of such specified #floor area# to and from #residential# or #transient hotel# #use# to occur without further Commission approval, subject to the conditions of the special permit.

As a condition precedent to the granting of such #use# or #bulk# modifications, the Commission shall find that such modifications will not impair the essential character of the #Residence District#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-152 - In Commercial Districts

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In C1, C2, C4, C5, C6, C7 and C8 Districts, M1 Districts paired with a #Residence District#, or M1-6D Districts, the City Planning Commission may permit #transient hotels#, #motels#, or #tourist cabins# listed under Use Group V, as set forth in Sections [32-15](#) and [42-15](#) (Use Group V – Transient Accommodations), that are not otherwise permitted pursuant to the provisions of Section [32-152](#) or [42-152](#) (Use Group V – uses subject to additional conditions). The Commission may also permit #transient hotels#, #motels#, or #tourist cabins# made permissible in Special Purpose Districts of this Resolution.

In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (c) such #use# will not impair the future use or development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-153 - In M1 Districts

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In M1 Districts, other than those subject to the provisions of Section [74-152](#) (In Commercial Districts), the City Planning Commission may permit #transient hotels#, #motels# or #tourist cabins# listed in Use Group V, as set forth in Section [42-15](#) (Use Group V – Transient Accommodations), that are not otherwise permitted pursuant to Section [42-152](#) (Use Group V – uses subject to additional conditions).

In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;
- (c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-16 - Retail and Services

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LAST AMENDED  
6/6/2024

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### 74-161 - Retail and service uses

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LAST AMENDED  
6/6/2024

In all #Commercial Districts# and #Manufacturing Districts#, the City Planning Commission may permit modifications to #uses# listed under Use Group VI, as set forth in Sections [32-16](#) and [42-16](#) (Use Group VI – Retail and Services), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For #uses# listed under Use Group VI, other than those #uses# for which another permit exists pursuant to Section [74-16](#), inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an “S”, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section [73-16](#), inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

- (b) In order to grant such permit, the Commission shall find that:
  - (1) such #use# will not impair the character or the future use or development of the surrounding area;
  - (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
  - (3) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-17 - Offices and Laboratories

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LAST AMENDED

6/6/2024

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## 74-171 - Laboratories

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LAST AMENDED

6/6/2024

In #Residence Districts# and #Commercial Districts#, C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, and in other #Commercial Districts#, the City Planning Commission may permit laboratories listed under Use Group VII, not otherwise allowed by the underlying #use# regulations. In conjunction with such modifications the Commission may also permit modifications to the underlying #sign# regulations.

In order to grant such #use# modifications, the Commission shall find that such facility meets the applicable conditions of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c)

(a) Conditions

As a condition for the special permit, such facility shall:

- (1) conform to the performance standards applicable to M1 Districts;
- (2) occupy a #zoning lot# containing no #residential use#; and
- (3) in #Residence Districts#, occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet; and

(b) Findings

In order to grant such permit, the Commission shall find that the laboratory:

- (1) will not unduly affect the essential character or impair the future use and development of the surrounding area;
- (2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;
- (3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and
- (4) with regard to #sign# modifications:
  - (i) the modifications are consistent with the amount and location of signage for other laboratories and are appropriate on the #zoning lot#; and

- (ii) #illuminated signs#, if provided, utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and do not alter the essential character of the adjacent area.

(c) Additional requirements

For the purposes of applying #bulk# regulations to such laboratory, the following shall apply:

- (1) in all districts, where such laboratory will occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet, the #floor area# associated with such laboratory shall be considered #community facility floor area#, and all other associated #community facility bulk# regulations shall apply; and
- (2) in all other instances, the #floor area# associated with such laboratory shall be considered #commercial floor area#, and all other associated #commercial bulk# regulations shall apply.

Modifications to the applicable #bulk# regulations may be made in conjunction with such laboratory, by special permit of the City Planning Commission, pursuant to Section 74-901.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

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## 74-18 - Recreation, Entertainment, and Assembly Spaces

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LAST AMENDED  
6/6/2024

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### 74-181 - Recreation, entertainment and assembly space uses

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LAST AMENDED  
6/6/2024

In C1 or C2 Districts that are not #select commercial overlays#, in all other #Commercial Districts# and in #Manufacturing Districts#, the City Planning Commission may permit modifications to #uses# listed under Use Group VIII, as set forth in Sections [32-18](#) and [42-18](#) (Use Group VIII – Recreation, Entertainment and Assembly Spaces), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For #uses# listed under Use Group VIII, other than those #uses# for which another permit exists pursuant to Section [74-18](#), inclusive, the Commission may permit modifications to a size limitation, denoted in the Use Group table with an “S”, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section [73-18](#), inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

- (b) In order to grant such permit, the Commission shall find that:
- (1) such #use# will not impair the character or the future use or development of the surrounding area;
  - (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
  - (3) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-182 - Arenas, auditoriums, stadiums or trade expositions

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LAST AMENDED

6/6/2024

C4 C6 C7 C8 M1 M2 M3

- (a) The City Planning Commission may permit arenas, auditoriums or stadiums, or trade expositions, as listed in Use Group VIII, with a capacity in excess of 2,500 seats for arenas, auditoriums or stadiums, or with a rated capacity in excess of 2,500 persons for trade expositions, provided that the following findings are made:
- (1) that the principal vehicular access for such #use# is not located on a local #street# but is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
  - (2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
  - (3) that such #use# is not located within 200 feet of a #Residence District#;
  - (4) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent traffic congestion;
  - (5) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
  - (6) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such #use#.
- (b) In Community District 7 in the Borough of the Bronx, the Commission may permit an indoor arena with a maximum seating capacity of 6,000 within 200 feet of a #Residence District# and, in conjunction with such arena, permit modifications of the provisions of Sections [32-64](#) (Surface Area and Illumination Provisions), [32-655](#) (Height of signs in all other Commercial Districts), and [36-62](#) (Required Accessory Off-street Loading Berths), provided that:
- (1) the provisions of paragraphs (a)(1), (a)(2), (a)(4), (a)(5) and (a)(6) of this Section are met;
  - (2) open space surrounding such arena will be located and arranged to provide adequate pedestrian gathering areas to minimize disruption to the surrounding areas;
  - (3) the arena includes noise attenuation features and measures which serve to reduce arena-related noise in the surrounding area, including at nearby #residences#;

- (4) where Sections [32-64](#) and [32-65](#) are modified, a #signage# plan has been submitted showing the location, size, height and illumination of all #signs# on the #zoning lot#, and the Commission finds that all such #signs#, and any illumination from or directed upon such #signs#, are located and arranged so as to minimize any negative effects from the arena #use# on nearby #residences#; and
  - (5) where Section [36-62](#) is modified, a loading plan has been submitted that addresses the operational needs of all servicers of the arena and shows the number, location and arrangement of all loading berths on the #zoning lot#, and the Commission finds that such loading plan is adequate to address the loading demand generated by the arena #use# and has received assurances that the arena operator will implement such plan in accordance with its terms.
- (c) In the Pennsylvania Station Subarea B4 of the Farley Corridor Subdistrict B of the #Special Hudson Yards District#, the Commission may permit arenas with seating in excess of 2,500 persons, provided that the following findings are made:
- (1) the provisions of paragraphs (a)(1) through (a)(6) of this Section are met; and
  - (2) the proposed loading for the arena will not unduly: interfere with the use of public spaces; interfere with transit facilities; interrupt the flow of pedestrian traffic in the pedestrian circulation network; or interfere with the efficient functioning of adjacent #streets# including for the staging or queuing of vehicles for loading or for security checks. An application for this special permit shall include a loading operations plan that describes the number, location and arrangement of all loading berths on the #zoning lot# as well as the location and management of off-site storage and staging of vehicles associated with the arena #use#. The plan shall be referred to the Department of Transportation and affected transit agencies for a report or recommendations on the plan. The Commission shall, in its determination, give due consideration to these reports and recommendations.

The Commission may require that, within six months of approval of the special permit, the applicant submit to the Chairperson of the City Planning Commission a transportation management plan, developed in consultation with the Department of City Planning and the Department of Transportation, to detail the loading operations plan. The Chairperson shall certify that the loading operations, as described in the transportation management plan, comply with the relevant conditions of the Commission's resolution.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs#, requirements for soundproofing of arenas or auditoriums, shielding of floodlights, screening of open #uses# or surfacing all access roads or driveways. The Commission may also prescribe requirements for pedestrian-accessible open areas surrounding the arena, auditorium or stadium, including #accessory# directional or building identification #signs# located therein.

In addition, within Pennsylvania Station Subarea B4 of the #Special Hudson Yards District#, design changes to existing #plazas# located within such pedestrian-accessible open areas may be made without a certification by the Chairperson of the Commission pursuant to Section [37-625](#), and the design standards of Section [37-70](#), inclusive, shall not apply to such #plazas#.

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## 74-183 - Drive-in theaters

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LAST AMENDED  
6/6/2024

In C7 or C8 Districts or any #Manufacturing District#, the City Planning Commission may permit drive-in theaters listed under Use Group VIII, limited to a maximum capacity of 500 automobiles, provided that the following findings are made:

- (a) that the principal vehicular access for such #use# is not located on a local #street# or an arterial highway but is located on a major or secondary #street# within one-quarter mile of an arterial highway;

- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# is not located within 200 feet of a #Residence District#;
- (d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion; and
- (e) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

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## 74-184 - Racetracks

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LAST AMENDED  
6/6/2024

In C8 Districts or any #Manufacturing District#, the City Planning Commission may permit racetracks listed under Use Group VIII, provided that the following findings are made:

- (a) that the principal vehicular access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street#, or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart; and
- (e) that, in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, screening or surfacing all access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the requirements established in this Resolution with respect to other major traffic generating #uses#.

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## 74-19 - Storage

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LAST AMENDED  
6/6/2024

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## 74-191 - Micro-distribution facilities

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LAST AMENDED

6/6/2024

In C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, and in C4 through C7 Districts, C1, C2, C4, C5, C6 and C7 Districts, for micro-distribution facilities listed under Use Group IX(A), as set forth in Sections [32-19](#) (Use Group IX – Storage), the City Planning Commission may permit modifications to a size limitation, denoted in the Use Group table with an “S”, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section [73-19](#).

In order to grant such permit, the Commission shall find that:

- (a) such #use# will not impair the character or the future use or development of the surrounding area;
- (b) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
- (c) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area

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## 74-192 - Self-service storage facility in designated areas within Manufacturing Districts

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LAST AMENDED

6/6/2024

On #zoning lots# in designated areas within #Manufacturing Districts# in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the #development#, #enlargement# not permitted pursuant to the provisions of Section [42-193](#) (Use Group IX – uses subject to additional conditions), or change of #use# of a #building# for #self-service storage facility# #use# listed under Use Group IX(A).

To grant such permit, the Commission shall find that the #zoning lot# is appropriate for such #self-service storage facility# #use#, based on the land use characteristics of the proposed #zoning lot# and the surrounding area. In making this determination, the Commission may consider the following:

- (a) whether such #use# is consistent with the economic development objectives of the City for the designated area in which the #self-service storage facility# seeks to be located, and may, in making this determination, consult with the Department of Small Business Services;
- (b) whether recent trends for and levels of investment in “qualifying #uses#”, as defined below, demonstrate that there is minimal demand for space for such #uses# in the surrounding area;
- (c) whether the size and configuration of the #zoning lot# make it better suited for #self-service storage facility# #use# than for “qualifying #uses#”;
- (d) for changes of #use# to existing #buildings#, whether the design and layout of loading docks, interior column spacing, floor-to-ceiling height and other relevant physical characteristics of the existing #building# make the #building# better suited for #self-service storage facility# #use# than for “qualifying #uses#”;



- (e) whether the distance of the #zoning lot# from an arterial highway or a designated truck route, or lack of frontage on a #wide street#, makes the #zoning lot# better suited for #self-service storage facility use# than for “qualifying #uses#”;
- (f) whether the distance of the #zoning lot# from mass transit that serves employees makes the #zoning lot# better suited for #self-service storage facility# #use# than for “qualifying #uses#”;
- (g) whether the establishment of a #self-service storage facility# will cause environmental remediation work to be undertaken on the #zoning lot#; or
- (h) whether there is a concentration of existing #self-service storage facilities# in the surrounding area.

For the purposes of this Section, “qualifying #uses#” shall include industrial drycleaning and laundry services listed in Use Group VI, as well as #uses# listed in Use Group IX (other than a #self-service storage facility#), or Use Group X.

The Commission may impose appropriate conditions and safeguards to minimize any adverse effects upon the existing #uses# in the surrounding area.

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## 74-193 - Trucking terminals or motor freight stations

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LAST AMENDED  
6/6/2024

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations listed under Use Group IX(A), with sites in excess of 20,000 square feet, provided that the following findings are made:

- (a) that the principal access for such #use# is not on a local #street# but is located within one-quarter mile of a secondary or major #street#;
- (b) that vehicular entrances and exits for such #use# are provided separately and are located not less than 100 feet apart;
- (c) that such #use# is not located within 200 feet of a #Residence District# boundary; and
- (d) that access to such #use# is located on a #street# not less than 60 feet in width.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening and surfacing all access roads or driveways.

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## 74-194 - Public parking garages or public parking lots outside high density areas

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LAST AMENDED  
6/6/2024

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts or, outside the #Greater Transit Zone#, in C7, or M1, M2 or M3 Districts with an A suffix, the City Planning Commission may permit #public parking garages# or #public parking lots# listed under Use Group IX(C), with more than 150 spaces, provided that the applicable regulations set forth in Sections [36-53](#) (Width of Curb Cuts and Location of Access to the Street) or [44-43](#) (Location of Access to the Street), Sections [36-55](#) or [44-44](#) (Surfacing) and Sections [36-56](#) or [44-45](#) (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#,

or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section [12-10](#) (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on #signs# or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section [13-06](#) (Previously Filed or Approved Special Permits or Authorizations).

For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before October 17, 2019, and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

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## **74-195 - Public parking garages or public parking lots in high density central areas**

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■  
LAST AMENDED  
6/6/2024

In C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C7 inside the #Greater Transit Zone#, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts or, inside the #Greater Transit Zone#, in C7, or M1, M2 or M3 Districts with an A suffix, the City Planning Commission may permit #public parking garages# or #public parking lots# listed under Use Group IX(C), with any capacity for #public parking garages#, or with more than 150 spaces for #public parking lots#, provided that the applicable regulations set forth in Sections [36-53](#) (Width of Curb Cuts and Location of Access to the Street) or [44-43](#) (Location of Access to the Street), Sections [36-55](#) or [44-44](#) (Surfacing) and Sections [36-56](#) or [44-45](#)

(Screening) are met.

The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section [12-10](#) (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

- (a) that such #use# will not be incompatible with, or adversely affect the growth and development of, #uses# comprising vital and essential functions in the general area within which such #use# is to be located;
- (b) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (d) that such #use# has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles;
- (e) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;
- (f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (g) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section [13-06](#) (Previously Filed or Approved Special Permits or Authorizations).

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## **74-20 - ADDITIONAL SPECIAL PERMIT USES**

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LAST AMENDED  
6/6/2024

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## **74-21 - Production Uses**

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LAST AMENDED  
6/6/2024

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## **74-211 - Production uses**

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LAST AMENDED  
6/6/2024

In C1 or C2 Districts in the Borough of Manhattan, in other C1 or C2 Districts that are not #select commercial overlays#, in all

other #Commercial Districts#, and in #Manufacturing Districts#, the City Planning Commission may permit modifications to the #uses# listed under Use Group X, as set forth in Sections [32-20](#) and [42-20](#) (Use Group X – Production Uses), pursuant to paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

- (a) For #uses# listed under Use Group X, other than those #uses# for which another permit exists pursuant to Section [74-21](#) (Production Uses), inclusive, the Commission may permit modifications to a size limitation, denoted with an “S” in the Use Group table, beyond any size limitation established by special permit of the Board of Standards and Appeals pursuant to Section [73-21](#) (Production Uses), inclusive.

In conjunction with such size modification, the Commission may permit: modifications to supplementary #use# regulations, including enclosure and location within #buildings# provisions; or modifications to additional conditions, denoted in the Use Group table with a “P”, including environmental standards, geographic limitations, or other measures.

- (b) In order to grant such permit, the Commission shall find that:
- (1) such #use# will not impair the character or the future use or development of the surrounding area;
  - (2) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; and
  - (3) the modifications are necessary to support the operation of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-30 - OTHER MODIFICATIONS TO USE REGULATIONS

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LAST AMENDED  
6/6/2024

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## 74-31 - Stores or Offices on Large-scale Sites in Residence Districts

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LAST AMENDED  
6/6/2024

In #Residence Districts# the City Planning Commission may allow, by special permit, modifications to the underlying #use# regulations to permit #uses# that would be permitted in a C2 District on the #ground floor level# of a #building#. However, #accessory# drive-through facilities serving a #use# listed under Use Group VI, as set forth in Section [32-16](#) (Use Group VI – Retail and Services), shall not be permitted. The Commission may also permit the #sign# regulations applicable to a C2 District to be applied to such #use#. In order to grant such permit, the Commission shall find that the conditions of paragraph (a) and the findings of paragraph (b) are met.

- (a) Conditions

As a condition for the special permit, the applicant shall demonstrate that the proposed #use#:

- (1) is located on a #large-scale development#, or is located on either a single #zoning lot# that has an area of at least 1.5 acres, or two or more contiguous #zoning lots#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, that has an area of at least 1.5 acres and contains #residences#; and

- (2) does not exceed a size of 15,000 square feet. The #floor area# associated with such #uses# permitted in a C2 District shall be considered a #community facility# #use# for the purposes of determining compliance with the applicable district #floor area ratio# regulations.

(b) Findings

In order to grant the special permit, the Commission shall find that:

- (1) such #use# will serve residents on the #zoning lot# and the surrounding residential area;
- (2) such #use# will generate a minimum of vehicular traffic to and through local #streets# and will not create traffic congestion;
- (3) such #use# will not produce objectionable effects; and
- (4) such #use#, including any permitted #signs#, will not alter the essential character of the neighborhood in which the #building# is located.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-50 - OFF-STREET PARKING ESTABLISHMENTS

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LAST AMENDED  
12/15/1961

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## 74-51 - Off-street Parking Requirement for Youth-oriented or Senior Citizen-oriented Community Centers and Non-profit Neighborhood Settlement Houses

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LAST AMENDED  
6/6/2024

In C1-2 and C2-2 Districts, for youth-oriented or senior citizen-oriented community centers and non-profit neighborhood settlement houses, the City Planning Commission may permit modifications of the parking requirement of Section [36-21](#), provided the following findings are made:

- (a) that, because of site limitations, such a reduction is necessary for the proper design and operation of such community centers and non-profit neighborhood settlement houses; and
- (b) that available off-site parking and mass transit facilities are adequate to satisfy the additional parking demand generated by such #community facility#.

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## 74-52 - Special Permit to Remove Required Parking

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LAST AMENDED  
12/5/2024

Outside the #Inner Transit Zone#, the City Planning Commission may permit the reduction or removal of #accessory# off-street parking spaces required pursuant to Section [25-20](#) (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES), provided the Commission finds that such reduction or removal:

- (a) will not impede access to existing #accessory# off-street parking spaces on adjoining #zoning lots#; and
- (b) will not have undue adverse effects on residents, businesses or #community facilities# in the surrounding area;

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-53 - Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments**

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LAST AMENDED  
5/8/2013

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### **74-531 - Additional parking spaces or roof parking for accessory group parking facilities**

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LAST AMENDED 3/22/2016

The City Planning Commission may permit #group parking facilities# #accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections [25-12](#), [36-12](#) and [44-12](#) (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections [25-11](#), [36-11](#) and [44-11](#) (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

As a condition of permitting such exceptions or modifications, the Commission shall make the following findings:

- (a) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in residential areas;
- (b) that such #use# has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (c) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and
- (d) that where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including requirements for shielding of floodlights, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, or to the #Long Island City area#, as defined in Section [16-02](#) (Definitions), where the regulations set forth in Article I, Chapter 6, shall apply.

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## **74-54 - Rear Yard Modifications**

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LAST AMENDED  
10/9/1969

In C4, C6, C7, C8, M1, M2 or M3 Districts, for #public parking garages# with more than 150 spaces, the City Planning

Commission may permit modifications of the applicable regulations in Sections [33-26](#) to [33-30](#), inclusive, and Sections [43-26](#) to [43-31](#), inclusive, relative to #rear yard# regulations, provided the following findings are made:

- (a) that the #public parking garage# will alleviate excessive on-street parking demand and thereby relieve traffic congestion in the area; and
- (b) that because of site limitations such modification is necessary for the proper design and operation of the #public parking garage#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

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## **74-60 - PUBLIC SERVICE OR TRANSPORTATION FACILITIES**

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LAST AMENDED  
12/15/1961

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### **74-61 - Developments on Lots that Include Railroad Right-of-Ways**

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LAST AMENDED  
12/5/2024

The City Planning Commission may permit a #development# or #enlargement# on a #zoning lot# that includes either a #railroad right-of-way# or a #former railroad right-of-way# where the #lot area# is one and a half acres or greater, and may include a #railroad right-of-way# that would otherwise be considered a #block# boundary in the #lot area# of such #zoning lot#, provided the Commission finds that:

- (a) the distribution of #floor area# on the #zoning lot# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#; and
- (b) where the #zoning lot# includes a #former railroad right-of-way# and a transportation agency has a plan to use such tract of land for transportation purposes, the site plan does not preclude future improvements to facilitate such transportation purposes. The Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any such plans.

On #zoning lots# of any size that require a certification pursuant to Section [75-411](#) (Developments on or over railroad rights-of-way), the Commission may permit the establishment of an appropriate level or levels instead of #curb level#, #base plane#, or other applicable reference plane, as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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### **74-62 - Developments Over Streets**

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LAST AMENDED  
6/6/2024

In R9 or R10 Districts when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# owned by a non-profit institution pursuant to State-enabling legislation enacted in 1971,

the City Planning Commission may, by special permit, allow in such demapped air space, the #development# or #enlargement# of #buildings# which are an expansion of an existing hospital, college, university or functionally-related facility. In connection therewith, the Commission may also permit modification of off-street loading and #bulk# regulations, except #floor area ratio# regulations, under the applicable district regulation, provided that the requirements set forth in the 1973 Agreement among the City of New York, the Society of the New York Hospital, and the New York Society for the Relief of the Ruptured and Crippled, maintaining the Hospital for Special Surgery and the Rockefeller University are met; and that such demapped air space shall be considered as part of the adjoining #zoning lot#, except that any #building# located in demapped air space shall utilize only unused #floor area# from the portion of the adjoining #zoning lot# not within the demapped air space.

In order to grant such special permit, the Commission shall find:

- (a) for #development# or #enlargements# in such demapped air space and for modification of #bulk# regulations, that the location and distribution of new #bulk# shall result in a good site plan in relation to the existing #buildings# on-site and in the area; and
- (b) for modification of off-street loading requirements, when such non-profit institution includes more than one #building# on two or more #zoning lots#, the Commission may determine the required number of loading berths as if such non-profit institution were located on a single #zoning lot#, and may permit such loading berths to be located anywhere within such institution without regard for #zoning# #lot lines#, provided that such loading berths shall be:
  - (1) adequate to serve the requirements of the institution;
  - (2) accessible to all the #uses# in such institution without the need to cross any #street# at grade; and
  - (3) located so as not to adversely affect the movement of pedestrians or vehicles on the #streets# within or surrounding such institution.

The #curb level# of a #zoning lot# of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations relating to #open space#, #yards#, level of #yards#, equivalent #rear yards#, #rear yard# setback, minimum distance between #buildings#, and the front height and setback.

The Commission may impose additional conditions and safeguards, consistent with the requirements set forth in the 1973 Agreement, to improve the quality of the #development# and minimize adverse effects on the character of the surrounding area.

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## 74-70 - ADDITIONAL PERMITS

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LAST AMENDED  
6/6/2024

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## 74-71 - Landmark Preservation

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LAST AMENDED  
11/25/1997

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## 74-711 - Landmark preservation in all districts

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LAST AMENDED  
2/2/2011

In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning



lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:

- (a) The following conditions are met:
  - (1) any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;
  - (2) any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk# modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and
  - (3) the maximum number of #dwelling units# shall be as set forth in Section [15-111](#) (Number of permitted dwelling units).
- (b) In order to grant a special permit, the City Planning Commission shall find that:
  - (1) such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
  - (2) such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.

The Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.

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## 74-712 - Developments in Historic Districts

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LAST AMENDED  
12/5/2024

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential# #development# and, below the floor level of the second #story# of any #development#, #uses# permitted in Use Group VI, provided:
  - (1) the #use# modifications shall meet the following conditions, that:
    - (i) #residential# #development# complies with the requirements of Sections [23-342](#) (Rear yard requirements) and [23-372](#) (Distances between legally required windows and lot lines), inclusive, pertaining to R8 Districts;
    - (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
    - (iii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;

- (iv) all #signs# for #residential# or #commercial# #uses# permitted by this Section shall conform to the applicable regulations of Section [32-60](#) (SIGN REGULATIONS) pertaining to C2 Districts; and
  - (v) eating or drinking establishments of any size, as set forth in Use Group VI, are not permitted; and
- (2) the Commission shall find that such #use# modifications:
- (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
  - (ii) are compatible with the character of the surrounding area; and
  - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.
- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:
- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
  - (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

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## 74-72 - Bulk Modification

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LAST AMENDED  
12/17/1981

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## 74-721 - Height and setback and yard regulations

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LAST AMENDED  
6/6/2024

- (a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations, including tower coverage controls, for #developments# or #enlargements# located on a #zoning lot# having a minimum #lot area# of 40,000 square feet or occupying an entire #block#.

In C5-3, C6-6 and C6-7 Districts on such #zoning lots#, and in C6-4 Districts as set forth in paragraph (e) of this Section, the Commission also may modify #yard# and court regulations, and regulations governing the minimum required distance between #buildings# and/or the minimum required distance between #legally required windows# and walls or #lot lines#, provided that the Commission finds that such modifications:

- (1) provide a better distribution of #bulk# on the #zoning lot#;

- (2) result in a better relationship of the #building# to open areas, adjacent #streets# and surrounding development; and
- (3) provide adequate light and air for #buildings# on the #zoning lot# and neither impair access to light and air to #legally required windows# in adjacent #buildings# nor adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties.

As a condition of this special permit, if any open area extending along a #side lot line# is provided at any level, such open area shall be at least eight feet in width.

- (b) In C5-3, C6-6 and C6-7 Districts, the Commission may modify height and setback and #yard# regulations, including tower coverage controls for #developments# or #enlargements# located on a #zoning lot# having an area less than 40,000 square feet, that occupies an entire #block# front on a #wide street#, subject to the following conditions:
  - (1) where #buildings# or portions thereof penetrate the established #sky exposure plane#, the aggregate area occupied by such #buildings# or portions thereof at such elevation shall not exceed:
    - (i) 55 percent of the area of such #zoning lot#; or
    - (ii) an equivalent of 55 percent of the aggregate area of such #zoning lot# and any adjoining #zoning lots# with a common #lot line# for at least 90 feet with negative easements limiting height of existing and future #developments# on the adjoining #zoning lots# by recorded deed or other written instruments;
  - (2) that the #development# or #enlargement# includes on-site amenities, such as #arcades#, #through block arcades# or #covered pedestrian spaces# where the size and dimensions of such spaces are substantially greater than the required minimum standards, and includes skylights or other provisions for additional access of direct natural light so as to provide for an increased penetration of light and air therein at the #street# level of the #development# or #enlargement#, or a transit station improvement that results in a direct major connection to a subway station.
  - (3) In lieu of condition (c)(2), the #development# or #enlargement# may provide, in the same or an adjoining #block# of such #development# or #enlargement#, compensatory "off-site public open space." For the purposes of this paragraph, (c)(3), the term "adjoining block" shall mean a #block# that is contiguous to the #block# containing the #development# or #enlargement# but for its separation by a #street# or #street# intersection. The area of such off-site public open space shall be at least 4,000 square feet, or 15 percent of the #lot area# of a #zoning lot# containing the #development# or #enlargement#, whichever is more, and a width of at least 40 feet at any point.

Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be #developed# pursuant to the provisions of Section [37-70](#) (PUBLIC PLAZAS). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public area shall be kept open to the general public in accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for #floor area# or bonus computation in connection with this or any other #development# or #enlargement#.

For such #developments# or #enlargements#, the Commission may also modify the applicable regulations of Sections [32-51](#) (Limitations on Business Entrances, Show Windows or Signs) and [36-683](#) (Restrictions on location of berths near Residence Districts) where adjoining frontage within a distance of 75 feet on the same side of the #street# is occupied by a #community facility# or ground floor #commercial# #use#, provided that such modification is part of an overall design for #show windows#, signage and entrances or off-street loading berths developed in conjunction with a public amenity such as a #public plaza#, #through block arcade# or #covered

pedestrian space#, and will not alter the essential character of the immediate neighborhood.

In the case of existing #buildings# containing #residences# to remain temporarily on such #zoning lot#, the provisions of Sections [23-70](#) (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and [23-80](#) (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS) may be modified provided that each and every one of the following conditions are met:

- (i) that such existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;
- (ii) that the portions of the #zoning lot# where such existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan;
- (iii) that no temporary or final certificate of occupancy shall be issued for that portion of #floor area# in the #development# or #enlargement# equal to twice the #floor area# in the temporary existing #buildings# until such #buildings# are vacated, demolished and their sites are redeveloped in accordance with the approved project plan, except that where the Commission shall have determined that the applicant for a special permit has made an offer to purchase the leasehold interests from the lessees at a fair market value of the remainder of the lease term, the Commission may decrease the amount of #floor area# for which no certificate of occupancy may be issued; and
- (iv) that the #development# or #enlargement# conform with all the applicable laws relating to construction, operation and maintenance.

The owner of the #zoning lot# shall have prominently displayed thereon a sign stating the date by which the #buildings# are to be demolished.

- (4) As a further condition for the issuance of a permit under this paragraph (c), the owner of the #zoning lot# upon which #developments# or #enlargements# are to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel as to form, sufficient in amount as determined by the Commission to cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time set forth in the approved project plan, and ensure that all #floor area# which is to be vacant in the #development# shall remain unfinished and vacant.

The bonds or other securities shall be payable to the City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this paragraph, (c), that the #development# or #enlargement#:

- (i) shall result in improved circulation; and
- (ii) would eliminate the undesirable pre-emption of ground level space by private #buildings# or other structures#.

In making these findings, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this paragraph (c), shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of #development# or #enlargement# and other improvements on the #zoning lot#.

In addition to the conditions in paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Section, the Commission shall find that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot# and will not adversely affect other adjacent #zoning lots# by unduly restricting access to light and air to surrounding public spaces, #streets# and properties.

- (c) Notwithstanding any other provisions of the Zoning Resolution, where a #development# shares a #lot line# with a landmark #building# site for an aggregate distance of at least 90 feet, or contains a historically significant #street# that has been demapped and an archeologically significant site, both of which have been identified by the Landmarks Preservation Commission, the Commission may permit modification of the height and setback and #yard# regulations regardless of the lot size, provided that the following findings are made:
- (1) there is a harmonious architectural relationship between the landmark and the new structure, and such relationship is approved by the Landmarks Preservation Commission or, in the case of a #development# which contains a historically significant #street# that has been demapped and an archeologically significant site, there is a visual recognition of the location of the demapped #street# and of the archeologically significant site created by a design treatment that has been approved by both the Landmarks Preservation Commission and the City Planning Commission and, if such #development# is located within 200 feet of a historic district, there is a harmonious relationship between the proposed #development# and the historic district; and
  - (2) pedestrian amenities are contained in the new structure including, where appropriate, retail stores and substantial pedestrian space at the principal levels of circulation, such as wider sidewalks, #arcades#, #covered pedestrian space#, subsurface concourses and convenient subway connections.
- (d) The City Planning Commission may also permit modification of all #bulk# regulations as set forth in paragraph (a) of this Section on #zoning lots# with a minimum #lot area# of 30,000 square feet, where such #zoning lot# is located in a C6-4 District in Manhattan Community District 3, has frontage on a #wide street# and existed on August 8, 2018.

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## 74-74 - Large-scale General Development

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LAST AMENDED  
2/2/2011

For #large-scale general developments# involving several #zoning lots# but planned as a unit, the district regulations may impose unnecessary rigidities and thereby prevent achievement of the best possible site plan within the overall density and #bulk# controls. The regulations of this Section are designed to allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area.

No portion of a #large-scale general development# shall contain:

- (a) any #use# not permitted by the applicable district regulations for such portion, except as otherwise provided in Section [74-744](#) (Modification of use regulations). When an existing #building# in a #large-scale general development# is occupied by a #non-conforming use#, any #enlargement# of such existing #building# shall be subject to the requirements set forth in Section [52-00](#) (DEFINITIONS AND GENERAL PROVISIONS);
- (b) any #zoning lot#, or portion thereof, that is part of a #large-scale residential development# or #large-scale community facility development#.

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## 74-741 - Requirements for application

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An application to the City Planning Commission for the grant of a special permit pursuant to Section [74-74](#) for a #large-scale general development# shall include a site plan showing the boundaries of the #large-scale general development# and the proposed location and #use# of all #buildings or other structures# on each #zoning lot# comprising the #large-scale general development#.

However, for applications proceeding pursuant to the ownership provisions of paragraph (e) of Section [74-742](#), such site plan need only show the applicable portion of the #large-scale general development# as set forth in paragraph (e)(1) or (e)(2) of Section [74-742](#).

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## 74-742 - Ownership

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Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section [74-74](#) (Large-scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section [12-10](#) (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

When a #large-scale general development# is located within a designated urban renewal area, the City's urban renewal agency, or a person authorized by such agency, may apply for and be granted a special permit under the provisions of Section [74-74](#) even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section. All parcels comprising such #large-scale general development# shall be within the designated urban renewal area and subject to the urban renewal controls set forth in the approved urban renewal plan.

A special permit may be applied for and granted under the provisions of Section [74-74](#), even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or
- (b) owned by the Federal government and is within Brooklyn Community District 2; or
- (c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership; or
- (d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26th Avenue between 1st Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8th Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26th Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

- (1) tracts of land in State or City ownership; or
  - (2) a tract of land in private ownership located within the bed of 26th Avenue, between 1st Street and the bulkhead line;
- (e) within Manhattan Community District 2, where the City Planning Commission has approved a special permit under Section ~~74-74~~ for a #large-scale general development# located partially within a C2-7 District, and a portion of such #large-scale general development# is subsequently mapped as a park and transferred to City ownership, then the consent or authorization of any owner or party in interest to:
- (1) such #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to property within the #large-scale general development# other than the #public park#; and
  - (2) property other than the #public park# shall not be required for any application for a modification to the special permit or associated restrictive declaration relating only to the #public park#.

However, the consent or authorization of the owners and any party in interest to the other property shall be required if the proposed modification would impose an additional obligation or increase the degree of an obligation existing as of the date of the application for the modification on any such owner or any such party in interest; or

- (f) partially under State or City ownership, and is located within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in State or City ownership.

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## **74-743 - Special provisions for bulk modification**

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LAST AMENDED

12/15/2021

- (a) For a #large-scale general development#, the City Planning Commission may permit:
- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot# lines or district boundaries, subject to the following limitations:
    - (i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;
    - (ii) when a #large-scale general development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of #commercial# #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted, except that for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, a transfer of #commercial# #floor area# from a C6 District to a C2 District may be permitted;
  - (2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;



- (3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #large-scale general development# without regard to regulations applicable near #Residence District# boundaries;
- (4) the maximum #floor area ratio# permitted pursuant to Section [23-151](#) (Basic regulations for R6 through R9 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph (a)(4) shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section [23-151](#) for the applicable district;
- (5) in an #Inclusionary Housing designated area# in a C4-6 or C5 District:
  - (i) a portion of the #lot area# that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#; or
  - (ii) #community facility# #floor area# located above the ground floor to be excluded from the calculation of the amount of #affordable housing# required pursuant to Section [23-95](#);
- (6) modification of the requirements of Section [23-86](#) (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:
  - (i) the required minimum distance as set forth in Section [23-86](#) is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and
  - (ii) the required minimum distance is provided by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office in the county in which such tracts of land are located;
- (7) modification of the definition of #outer court# in Section [12-10](#) (DEFINITIONS) and the provisions of Section [23-84](#) (Outer Court Regulations) to include any open area that is bounded on all sides but one by #building# walls and is not otherwise a #yard# or an #inner court#, provided that:
  - (i) such modifications are permitted only for #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7; and
  - (ii) the minimum distance between a #legally required window# facing onto such #outer court# and a #building# wall shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening;
- (8) in an #Inclusionary Housing designated area# in a C4-7 District within the boundaries of Manhattan Community District 7, for the purpose of applying the Inclusionary Housing Program within such #Inclusionary Housing designated area#, as set forth in a restrictive declaration:
  - (i) modification of the base and maximum #floor area ratios# specified in Section [23-154](#) (Inclusionary Housing), not to exceed the maximum #floor area ratios# permitted by the underlying district, based on a proportionality between #affordable floor area#, as defined in Section [23-911](#), and #residential# #floor area# in #buildings# containing multiple #uses#; and



- (ii) modification of the requirements regarding distribution of #affordable housing units#, as defined in Section [23-911](#), specified in paragraph (b) of Section [23-96](#) (Requirements for Generating Sites or MIH Sites);
- (9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#;
- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section [23-613](#) (Front yard planting requirements), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk;
- (11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility# #development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District and within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.
  - (i) A request for such bonus #floor area# shall be accompanied by:
    - (a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and
    - (b) a letter from the Commissioner of Parks and Recreation stating:
      - (i) the selection of the #public park# for the #public park# improvement has been informed by community input in the form of consultation or an existing plan;
      - (ii) such #public park# improvement provides an appropriate amenity for the surrounding area; and
      - (iii) that, absent funding to be provided by the applicant, such #public park# improvement is unlikely to be made in the foreseeable future.
  - (ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:
    - (a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and
    - (b) a letter that shall include:
      - (i) cost estimates for the #public park# improvement; and
      - (ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement;
- (12) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30th Road and west of 8th Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning

lot# containing existing public housing #buildings#, provided that upon approval of a #large-scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:

(i) such parcel shall be made part of such #zoning lot# upon approval of such #large-scale general development#, pursuant to the definition of #zoning lot# in Section [12-10](#), paragraph (d); and

(ii) the existing light industrial #buildings# on the separate parcel of land are demolished; or

(13) within the boundaries of Community District 1 in the Borough of Brooklyn, on a #waterfront zoning lot# located within a C6-2 District that is mapped within a #Mandatory Inclusionary Housing area#, portions of the land, #piers# or #platforms# projecting seaward of the bulkhead line and existing on December 15, 2021, may be replaced or reconstructed with #new piers# or #new platforms#, as follows:

(i) any such existing land projecting seaward of the bulkhead line may be replaced or reconstructed with #new platforms# and such #new platforms# may be included as part of the #upland lot#. In no event shall the #lot area# generated by such #new platforms# exceed the #lot area# of the land projecting seaward of the bulkhead line, as it existed on December 15, 2021;

(ii) any other such #new piers# or #new platforms# may be considered #lot area# for the purposes of determining allowable #floor area# or number of #dwelling units#, or to satisfy any other #bulk# regulations, in accordance with the provisions of paragraphs (b) and (c) of Section [62-31](#) (Bulk Computations on Waterfront Zoning Lots). In no event shall the #floor area# generated by such #new piers# or #new platforms# exceed the #floor area# generated by #piers# or #platforms# projecting seaward of the bulkhead line, as they existed on December 15, 2021; and

(iii) any #new piers# or #new platforms# that are subject to the provisions of this paragraph (a)(13) need not meet the requirements of Sections [62-242](#) (Uses on new piers and platforms), [62-54](#) (Requirements for Public Access on Piers) or [62-63](#) (Design Requirements for Public Access on Piers and Floating Structures), inclusive.

(b) In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:

(1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;

(2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

(3) where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

(4) considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;

(5) when the Commission has determined that the #large-scale general development# requires significant addition to

existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

- (6) where the Commission permits the maximum #floor area# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged# #buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged# #buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged# #buildings#;
- (7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section [74-74](#) (Large-scale General Development) with respect to better site planning;
- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#;
- (9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:
  - (i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and
  - (ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #block# or nearby #blocks# or of people using the public #streets#.

Grant of a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large-scale general development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner;

- (10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section [12-10](#) (DEFINITIONS) has been filed with the Commission;
- (11) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such #floor area# distribution shall contribute to better site planning of the #waterfront public access area# and shall facilitate the #development# of affordable housing units within a #large-scale general development#; and
- (12) where #new piers# or #new platforms# are constructed, replaced or reconstructed in accordance with the

provisions of paragraph (a)(13) of this Section, such #new piers# and #new platforms# are an integral part of such #large-scale general development#, result in a superior site plan and form an appropriate relationship with adjacent #waterfront public access areas# and #shorelines#, and provide significant public access to or within the #seaward lot# portion of the #waterfront zoning lot#.

Within Manhattan Community District 2, within the former Washington Square Southeast Urban Renewal Area, where the Commission has approved a #large-scale general development# and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

In addition, within Manhattan Community District 2, where the Commission has approved a #large-scale general development# located partially within a C2-7 District, if any #open space# approved pursuant to paragraph (a)(4) of Section [74-743](#) is subsequently mapped as a park and transferred to City ownership, the #open space# requirement approved for such #large-scale general development# pursuant to paragraph (a)(4) of Section [74-743](#) shall be reduced by the area of such #public park#.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section [23-92](#) (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2) of Section [23-154](#). Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

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## 74-744 - Modification of use regulations

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LAST AMENDED

6/6/2024

### (a) #Use# modifications

#### (1) Automotive sales and service #uses#

For #large-scale general developments#, previously approved by the Commission, in a C4-7 District within the boundaries of Manhattan Community District 7, Commission may modify applicable district regulations to allow automotive sales and service establishments that include repair services and preparation for delivery, provided the Commission shall find that:

- (i) the portion of the establishment used for the servicing and preparation of automobiles is located entirely in a #cellar# level and below grade or established #curb level#, and the ground floor level of such establishment is used only for showrooms and sales;
- (ii) sufficient indoor space for storage of vehicles for sale or service has been provided; and

- (iii) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic or adversely affect pedestrian movement.

(2) Retail establishments

For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission may modify applicable district regulations to allow #uses# listed under Use Groups VI, VIII or X that would be permitted in a C6 District, except for arenas or auditoriums, trade expositions and stadiums, provided the Commission finds that:

- (i) such #uses# will not impair the character of future #uses# or development of the surrounding area; and
- (ii) the #streets# providing access to such #uses# will be adequate to handle the traffic generated thereby.

(b) Modifications of #sign# regulations

- (1) In all #Commercial# or #Manufacturing Districts#, the Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section [74-743](#) (Special provisions for bulk modification), permit the modification of the applicable provisions of Sections [32-64](#) (Surface Area and Illumination Provisions), [32-65](#) (Permitted Projection or Height of Signs), [32-66](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), [42-53](#) (Surface Area and Illumination Provisions), [42-54](#) (Permitted Projection or Height of Signs), [42-55](#) (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections [32-51](#) and [42-44](#) (Limitations on Business Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.
- (2) For a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, the Commission, by authorization, may make the #sign# regulations of a C6-1 District applicable to those portions of such #large-scale general development# within a C2 District, and in addition, may modify the provisions of Section [32-68](#) (Permitted Signs on Residential or Mixed Buildings) to allow #signs# #accessory# to non-#residential uses# above the level of the finished floor of the third #story#, provided such #signs# do not exceed a height of 40 feet above #curb level#. In order to grant such authorizations, the Commission shall find that such modifications are consistent with the amount, type and location of #commercial# #uses# that the Commission finds appropriate within such #large-scale general development#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the development.

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## 74-745 - Modifications of parking and loading regulations

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LAST AMENDED  
6/6/2024

For a #large-scale general development# the City Planning Commission may permit:

(a) Modification of location requirements

When a #large-scale general development# includes two or more #zoning lots#, the Commission may permit required or permitted #accessory# off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a #large-scale general development# without regard for #zoning lot# #lines#, provided that the Commission shall find:

- (1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the #use# to which such spaces or berths are #accessory#;
- (2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and
- (3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single #block#, draw excessive traffic through local #streets#, or otherwise adversely affect traffic conditions in the surrounding area.

Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for #zoning# #lot lines# in accordance with the provisions of this Section, the number of spaces required for each #building# shall be kept available for such #building# throughout its life.

(b) Waiver or reduction of loading berth requirements

For #zoning lots# in a #large-scale general development#, located either within a #Special Mixed Use District# in Community District 2 in the Borough of The Bronx, or within a waterfront area pursuant to paragraph (b) of Section [62-132](#), in Community District 1 in the Borough of Brooklyn, where such #zoning lots# in the waterfront area contain one or more retail or service #uses# listed in Use Group VI, and where no single such establishment in the waterfront area exceeds 8,500 square feet in #floor area#, or for #zoning lots# located in #large-scale general developments# within #Special Mixed Use District# 24 in Community District 1 in the Borough of Queens, the Commission may waive or reduce the number of required loading berths, provided that:

- (1) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#;
- (2) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment;
- (3) such modification allows for a better relationship between the #street walls# of the #building# containing such establishment and the adjacent sidewalk and surrounding area; and
- (4) such modification will not impair or adversely affect the development of the surrounding area.

(c) Reduction of parking requirements

For #buildings# on #zoning lots# in a #large-scale general development#, within R7-2 Districts in Community District 1 in the Borough of the Bronx, that contain an #affordable independent residence for seniors#, the Commission may waive or reduce the number of required #accessory# off-street parking spaces, including any spaces previously required for an existing #building#, provided that the Commission finds that:

- (1) the anticipated automobile ownership patterns for residents of such #affordable independent residence for seniors# are minimal and that such waiver or reduction is warranted;
- (2) such waiver or reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and
- (3) such waiver or reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to waive or reduce, the Commission may take into account current



automobile ownership patterns for an existing #affordable independent residence for seniors# on the #zoning lot#, as applicable.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

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## **74-746 - Special provisions for development or enlargement over streets**

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LAST AMENDED

2/2/2011

Within a #large-scale general development#, when the volume above a #street#, or portion thereof, has been eliminated, discontinued and closed, the City Planning Commission may permit such volume to be considered part of an adjoining #zoning lot# and may allow, within such volume, a #development# or #enlargement# that is part of a #building# or #buildings# in the #large-scale general development#. In no event shall such volume contribute to the amount of #lot area# counted for the purposes of qualifying as a #large-scale general development# or generating any #floor area#.

- (a) The following conditions must be met for the #development# or #enlargement# to be permitted in such volume:
  - (1) a satisfactory ventilation plan consistent with the requirements of New York City's Departments of Transportation and Environmental Protection is provided for the #street# below the volume;
  - (2) an illumination of at least five foot candles at the #curb level# is provided for the #street# below the volume; and
- (b) In order to grant the special permit, the Commission shall find that the #development# or #enlargement# in such volume:
  - (1) is functionally necessary or will improve the internal circulation within the #large-scale general development#, or will improve vehicular or pedestrian circulation on adjacent #streets#;
  - (2) will not adversely impact the continued use of the #street#;
  - (3) will not have an adverse impact on the essential character or future use or development of the adjacent area; and
  - (4) will not unduly obstruct any significant scenic view.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-747 - Previously granted special permits**

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LAST AMENDED

2/2/2011

Any #development# or #enlargement# granted a special permit by the City Planning Commission under previous Section [74-74](#) (Commercial Development Extending into More than One Block) prior to February 22, 1990, may be started or continued pursuant to that special permit.

The Commission may administratively, upon application, allow modifications of the special permit granted under previous Section [74-74](#) (Commercial Development Extending into More than One Block) before February 22, 1990.

In no event may the Commission grant a modification of a special permit approved prior to February 22, 1990, that would require additional #bulk# distribution among #zoning lots# or modification of the height and #lot coverage# limitations

previously established. Any modifications exceeding the limitations set forth herein shall be subject to the provisions of the new Section [74-74](#) (Large-scale General Development).

No existing #publicly accessible open area# or other public amenity for which a #floor area# bonus or any increase in tower coverage above 40 percent of the #lot area# of the #zoning lot# has been received under previous Section [74-74](#) (Commercial Development Extending into More than One Block) prior to February 22, 1990, shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

Any #sign# shown on a site plan incorporated as part of a special permit of the Commission under the provisions of Section [74-74](#) (Large-scale General Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

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## 74-75 - Educational Construction Fund Projects

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LAST AMENDED  
8/24/2017

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### 74-751 - Educational Construction Fund in certain districts

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LAST AMENDED6/11/2025

In R5 through R12 Districts, in #Commercial Districts# mapped within, or with a #residential equivalent# of R5 through R12 Districts, and in C7 Districts, for combined #school# and #residences# including air rights over #schools# built on a #zoning lot# owned by the New York City Educational Construction Fund, the City Planning Commission may permit utilization of air rights; modify the requirements that open area be accessible to and usable by all persons occupying a #dwelling unit# or #rooming unit# on the #zoning lot# in order to qualify as #open space#; permit ownership, control of access and maintenance of portions of the #open space# to be vested in the New York City Educational Construction Fund or City agency successor in title; permit modification of #yard# regulations and height and setback regulations; permit the distribution of #lot coverage# without regard for #zoning# #lot lines# for a #zoning lot# containing the Co-op Tech High School in Manhattan Community District 11; authorize the total #floor area#, #open space#, #dwelling units# or #rooming units# permitted by the applicable district regulations on such site to be distributed without regard for district boundaries; and authorize an increase of 25 percent in the number of #dwelling units# or #rooming units# permissible under the applicable district regulations. For the purposes of this Section, a #zoning lot# owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section [12-10](#), when such tract of land includes a parcel which was the site of a public school listed in the following table.

School	Community District
P.S. 151	CD 8, Manhattan

The total number of #dwelling units# or #rooming units# and #residential# #floor area# shall not exceed that permissible for a #residential# #building# on the same #zoning lot#.



The distribution of #bulk# on the #zoning lot# shall permit adequate access of light and air to the surrounding #streets# and properties.

As further conditions for such modifications:

- (a) the #school# and the #residence# shall be #developed# as a unit in accordance with a plan approved by the Commission;
- (b) at least 25 percent of the total #open space# required by the applicable district regulations, or such greater percentage as may be determined by the Commission to be the appropriate minimum percentage, shall be accessible exclusively to the occupants of such #residence# and under the direct control of its management;
- (c) notwithstanding the provisions of Section [23-12](#) (Permitted Obstructions in Open Space), none of the required #open space# shall include driveways, private streets, open #accessory# off-street parking spaces or open #accessory# off-street loading berths; and
- (d) the Commission shall find that:
  - (1) a substantial portion of the #open space# which is not accessible exclusively to the occupants of such #residence# will be accessible and usable by them on satisfactory terms part-time;
  - (2) playgrounds, if any, provided in conjunction with the #school# will be so designed and sited in relation to the #residence# as to minimize any adverse effects of noise; and
  - (3) all #open space# will be arranged in such a way as to minimize friction among those using #open space# of the #buildings or other structures# on the #zoning lot#.

The Commission shall give due consideration to the landscape design of the #open space# areas. The Commission shall also give due consideration to the relationship of the #development# to the #open space# needs of the surrounding area and may require the provision of a greater amount of total #open space# than the minimum amount required by the applicable district regulation where appropriate for the purpose of achieving the #open space# objectives of the #Residence District# regulations.

The Commission may prescribe other appropriate conditions and safeguards to enhance the character of the surrounding area.

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## **74-752 - Educational Construction Fund projects in certain areas**

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LAST AMENDED 9/26/2018

In C6-9 Districts within the #Special Downtown Brooklyn District#, for #developments#, #enlargements# or #conversions# that include one or more #schools# on a tract of land owned by the New York City Educational Construction Fund, the City Planning Commission may permit the modifications set forth in paragraph (a) of this Section. For the purposes of this Section, a tract of land owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section [12-10](#), when such tract of land includes a parcel which was the site of a public school.

(a) **Modifications**

The Commission may modify:

- (a) applicable ground floor #use# regulations;
- (a) in a #Mandatory Inclusionary Housing area#, the affordable housing requirements of paragraph (d) of Section [23-154](#) (Inclusionary Housing);

(a) other #bulk# regulations, except that the maximum permitted #floor area ratio# may not be increased; and

(a) #accessory# off-street parking and loading berth requirements.

(b) Findings

To grant a special permit pursuant to this Section, the Commission shall find that:

- (1) such modifications will facilitate the construction of one or more #schools# on the #zoning lot#;
- (2) such ground floor #use# modifications will improve the layout and design of the #school# or #schools#, shall not have an adverse effect on the #uses# located within any portion of the #zoning lot# and will not impair the essential character of the surrounding area;
- (3) such modifications to the affordable housing requirements in a #Mandatory Inclusionary Housing area# will facilitate significant public infrastructure or public facilities, including one or more #schools#, addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#;
- (4) such #bulk# modifications will result in a better site plan for the #school# or #schools# and will have minimal adverse effects on the surrounding area;
- (5) such parking and loading modifications will improve the layout and design of the school and will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-76 - Plazas

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LAST AMENDED

6/21/1973

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## 74-761 - Elimination or reduction in size of bonused public amenities

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LAST AMENDED

10/17/2007

In all districts, the City Planning Commission may, by special permit, allow the elimination or reduction in size of any existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, provided that such reduction or elimination shall not create a #floor area# #non-compliance# on the #zoning lot#.

In granting such special permit, the Commission shall find that:

- (a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the #zoning lot# that shall provide equal or increased public benefit; and
- (b) for #publicly accessible open areas# any remaining bonused open area will comply to the maximum extent feasible with the standards of #public plazas# as set forth in Section [37-70](#).

However, the Commission may waive the provisions of paragraph (b) of this Section if it finds that such standards for #public plazas# would compromise the design integrity of the #publicly accessible open area# or would result in the loss of significant

design elements or character that are integral components of the #publicly accessible open area's# design.

The Commission may prescribe additional conditions to enhance the relationship of public open areas, #buildings# or other amenities on the #zoning lot#, to the surrounding areas.

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## 74-77 - Artists' Centers

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LAST AMENDED

8/12/1969

In C6-1, C6-2, C6-3 or C6-4 Districts, for alterations or additions to existing #buildings#, to be occupied as living and working quarters by #artists# engaged in the visual or performing arts, with or without related community studio space, the City Planning Commission may permit #residential# and non-#residential uses# to be arranged within the #building# without regard for the regulations set forth in Section [32-42](#) (Location Within Buildings). For alterations of such #buildings# but not for additions, the Commission may permit modifications of the regulations set forth in Sections [23-81](#) to [23-87](#), inclusive, relating to Court Regulations and Minimum Distance between Windows or Walls or Lot Lines and may permit modification of the requirements set forth in Sections [23-40](#) to [23-47](#), inclusive, relating to #rear# and #side yard# regulations.

As a condition precedent to the grant of such special permit, the Commission shall make the following findings:

- (a) that the location, design and construction of such #building# particularly suit it to use as an #artists'# center, and that full realization of these advantages requires modification of the regulations controlling arrangement of #residential# and non-#residential uses# within the #building#, or modification of the #court# regulations or the required distance between #legally required windows# and existing walls or #lot lines#, or modification of the #rear# and #side yard# requirements; and
- (b) that an organization has been established for assuring that the #dwelling units# will be occupied by persons who qualify as #artists#.

For the purposes of this Section, non-#commercial# studio space for use in common by artists residing in the #building# may be classified as a #community facility use#.

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## 74-78 - Conversions of Non-residential Floor Area

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LAST AMENDED

2/2/2011

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## 74-781 - Modifications by special permit of the City Planning Commission of uses in M1-5B Districts

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LAST AMENDED

12/5/2024

In M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification paragraphs (a)(3), (a)(4) and (b) of Section [42-315](#) (Use regulations in M1-5B Districts), provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit

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## 74-79 - Transfer of Development Rights From Landmark Sites

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LAST AMENDED

12/5/2024

The City Planning Commission may permit the allowances in paragraph (a) provided that the findings in paragraph (b) are met,

- (a) The Commission may permit:
- (1) in #Commercial Districts# or #Manufacturing Districts# where the maximum #floor area ratio# for non-#residential uses# is 15.0 or greater, a transfer of development rights pursuant to Section [75-42](#) (Transfer of Development Rights From Landmarks) that exceeds the maximum #floor area# allowable on such #zoning lot# by more than 30 percent; or
  - (2) in all districts, for #developments# or #enlargements#, #bulk# modifications, other than #floor area ratio#, to be made in conjunction with a transfer of development rights pursuant to Section [75-42](#).
- (b) In order to grant such special permit, the Commission shall find that:
- (1) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#; and
  - (2) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-80 - ADDITIONAL PERMITS

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LAST AMENDED

6/6/2024

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## 74-81 - Through Block Arcades

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LAST AMENDED

12/5/2024

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 Districts, the City Planning Commission may permit #through block arcades# to be located in #commercial buildings# or #mixed buildings#. For each square foot of #through block arcade# located in C4-7, C5-2, C5-4, C6-1, C6-2, C6-3, C6-4, C6-5 or C6-8 Districts, a bonus of three feet of #floor area# may be permitted and for each square foot of #through block arcade# located in C5-3, C5-5, C6-1A, C6-6, C6-7, C6-9, C6-11 or C6-12 Districts, a bonus of six feet of #floor area# may be permitted. #Through block arcades# may be located on a #zoning lot# in conjunction with a #publicly accessible open area# or an #arcade# but in no event shall the total #floor area# permitted on that #zoning lot# exceed the amount set forth in Section [33-12](#) (Maximum Floor Area Ratio) by more than 20 percent.

In the districts with an equivalent #residential# #floor area ratio# of 10, any #floor area# bonus earned by providing a #through block arcade# may be applied to increase the #residential# #floor area# of a #mixed building# provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Each application for a #through block arcade# must meet the following criteria:

- (1) result in substantial improvement of pedestrian circulation; and
- (2) provide appropriate secondary #commercial# frontage along the #through block arcade# such as small shops and restaurants.

Bridges, mezzanines and balconies which add interest and function to the #arcade# without unduly obstructing its light and air may be incorporated in the proposal.

Lighting, paving, #signs# and plantings shall be specified in the application.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area.

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## **74-82 - Public Service Establishments**

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LAST AMENDED  
12/5/2024

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### **74-821 - Court houses**

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LAST AMENDED  
12/5/2024

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a #community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections [33-26](#) to [33-30](#), inclusive, relating to Yard Regulations or Sections [33-41](#) to [33-45](#), inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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### **74-822 - Borough-based jail system**

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LAST AMENDED  
12/5/2024

For #zoning lots# that are the subject of a site selection for a borough-based jail system pursuant to application C 190333 PSY, the City Planning Commission may, by special permit, allow modifications to the applicable regulations governing #uses#, #bulk#, including permitted #floor area ratio#, the permitted capacities of #accessory# off-street parking facilities and #public parking garages#, and off-street loading regulations, to facilitate construction of the proposed facilities. In order to grant such special permit, the Commission shall find that:

- (a) any #use# modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area;
- (b) ground floor #uses# will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community;
- (c) any increase in permitted #floor area ratio# will facilitate the development of the facility;

- (d) any #bulk# modifications will improve the interior layout and functionality of the facility;
- (e) such #bulk# modifications, including any increase in permitted #floor area ratio#, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;
- (f) any modifications to the provisions of #accessory# off-street parking and loading regulations will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and
- (g) any modifications to the permitted capacity of #public parking garages#:
  - (1) will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and
  - (2) will provide adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 spaces, and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-83 - Developments With Existing Buildings**

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LAST AMENDED  
12/5/2024

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### **74-831 - Development in certain Commercial Districts**

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LAST AMENDED  
12/5/2024

In C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C6-11 or C6-12 Districts, the City Planning Commission may permit a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block# to be #developed# to its maximum allowable #bulk# under applicable district regulations and any existing #buildings# to remain temporarily on that lot and may permit the #floor area# of any existing #buildings# to be excluded from computations determining such maximum allowable #floor area#, provided that each and every one of the following conditions are met:

- (a) that existing #buildings# with unexpired leasehold interests are located upon such #zoning lot#;
- (b) that all leases within the existing #buildings# must terminate within five years after the issuance of a special permit under this Section, and that no new leases or any lease renewals shall be entered into on any existing #buildings# or portion of such existing #buildings#;
- (c) that the total #floor area# of all such existing #buildings# on the #zoning lot# is not greater than 20 percent of the maximum allowable #floor area# for that #zoning lot#;
- (d) that demolition of all such existing #buildings# must commence within five years after the issuance of the special permit under this Section;
- (e) that the portions of the #zoning lot# where existing #buildings# are located and are to be demolished shall be redeveloped according to the approved site plan; and

- (f) that, until such time as demolition of all such existing #buildings# and completion of the approved site plans, #floor area# equal in amount to that which was located in such existing #buildings#, must be left unfinished and vacant in the new #development#; and a temporary certificate of occupancy, for the vacant space, shall remain in effect until all conditions in the special permit are satisfied.

The owner of the #zoning lot# shall submit a copy of all leases on any #building# or portion of any #building# on the #zoning lot# together with an opinion of counsel that the leases will terminate within five years.

All leases of such existing #buildings# or portions of #buildings# shall submit affidavits attesting to the expiration date of their leases together with an opinion of counsel that the lease will expire within five years.

The owner of the #zoning lot# shall have prominently displayed on the front of all existing #buildings# a sign stating the date that the #building# is to be demolished.

As a further condition for the issuance of a permit under this Section, the owner of the #zoning lot#, upon which new #development# is to take place, must post a bond or other security payable to the City of New York and approved by the Corporation Counsel sufficient in amount to:

- (1) cover the cost of demolishing the existing #buildings# should the owner fail to so demolish within the prescribed time;
- (2) ensure that all #floor area# which is to be vacant in the new #development# shall remain unfinished and vacant; and
- (3) ensure that no new leases or lease renewals are entered into on any portion of any of the existing #buildings#.

The bonds or other securities shall be payable to The City of New York if any of the above conditions are violated.

The Commission must find, with each grant for a special permit under this Section, that the #development# shall result in improved circulation and would eliminate the undesirable preemption of ground level space by private #buildings or other structures#. In making this finding, the Commission may consider the provision of improved connections to rapid transit facilities, where applicable.

The site plan accompanying each application for a grant of special permit under this Section shall include a schedule indicating the timetable of demolition of all existing #buildings# and the schedule of new #development# and other improvements on the #zoning lot#.

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## **74-84 - Certain Large Retail Establishments**

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LAST AMENDED

12/5/2024

In M1-5 or M1-6 Districts, the City Planning Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

- (a) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and
- (b) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further

finds:

- (1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section [12-10](#)) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;
- (2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;
- (3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;
- (4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and
- (5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-85 - Covered Pedestrian Space**

LAST AMENDED  
12/5/2024

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9 C6-11 C6-12

In the districts indicated, the City Planning Commission may permit #floor area# bonuses for #covered pedestrian space# in accordance with the provisions of Sections [74-851](#) through [74-853](#), inclusive.

**74-851 - Floor area bonus for covered pedestrian space**

LAST AMENDED  
12/5/2024

For the #development# or #enlargement# of a #commercial#, #community facility# or #mixed building#, for each square foot of #covered pedestrian space# provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section [33-12](#) (Maximum Floor Area Ratio) may be increased as set forth in the following table:

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

District	Basic (in square feet)	Maximum (in square feet)
C5-3 C5-5 C6-6 C6-7 C6-9 C6-11 C6-12	11	14



C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	8	11
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In no event shall the resulting #floor area ratio# exceed the amount set forth in Section [33-12](#) by more than 20 percent. Any #floor area# bonus earned by providing a #covered pedestrian space# may be applied to increase the #residential# #floor area# of a #mixed building#, provided the maximum #floor area ratio# for the #residential# portion does not exceed 12.0.

Any portion of the #covered pedestrian space# that is within 10 feet of a #street line# or #lot line# and that is extended along such #street line# or #lot line# on either side of an entrance to it from an adjoining #street#, #arcade#, #publicly accessible open area#, #court#, #yard# or other #covered pedestrian space#, may receive only that #floor area# bonus accorded to an #arcade#.

The basic #floor area# bonus may be increased by providing one or more of the following additional amenities:

- (a) An escalator, providing pedestrian access from sidewalk level to any floor level containing #uses# specified in paragraph (c) of Section [74-852](#) (Design requirements for covered pedestrian spaces). Such escalator may be either within or directly accessible from the #covered pedestrian space#. The basic #floor area# bonus may be increased by 1.5 square feet per square foot of #covered pedestrian space# for each floor level connected by such escalator. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such escalator shall not exceed the allowable maximum set forth in the table.
- (b) Where the height over at least one-third of the #covered pedestrian space# in one location is increased by more than one #story# of the #building# above the required height, the basic #floor area# bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each such #story#. However, the #floor area# bonus earned for the total #covered pedestrian space# by providing such additional height shall not exceed the allowable maximum set forth in the table.
- (c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in the table.

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## 74-852 - Design requirements for covered pedestrian spaces

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LAST AMENDED  
12/5/2024

In order to qualify for a #floor area# bonus, a #covered pedestrian space# shall be directly accessible to the public from the adjoining #street#, #arcade#, #through block arcade#, #publicly accessible open area#, #court#, #yard#, #pedestrian mall# or other #covered pedestrian space# which is a part of the public pedestrian circulation system, and shall:

- (a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;
- (b) have a height of at least 30 feet;
- (c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines# or #street lines#. At least 50 percent of such frontage shall be comprised of individual #uses#, each of which has a frontage

not exceeding 25 feet, and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;

- (d) be adequately illuminated, utilizing natural daylight wherever possible; and
- (e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

Obstructions such as awnings, canopies, pedestrian bridges, escalators, stairs, balconies or other architectural elements above the floor level of the #covered pedestrian space# are prohibited unless it can be clearly demonstrated that they will enhance design or pedestrian circulation. In any event, horizontal projection of balconies into any #covered pedestrian space# shall not exceed five feet.

Planting, landscaping, ornamental fountains, statuary, outdoor furniture, kiosks, works of art, light wells and other features may be permitted in a portion of the pedestrian space, but not to the extent of impeding pedestrian movement.

Columns or similar elements may be permitted within a #covered pedestrian space#, but the aggregate area of such elements may not exceed two percent of the total pedestrian space. The clear span along the main path of pedestrian traffic shall not be less than the figure indicated for minimum dimensions of pedestrian space in paragraph (a) of this Section. However, when two or more pedestrian paths are provided, the minimum clear span widths of such paths may be reduced by five feet.

Where multiple access to the #covered pedestrian space# is provided from an #arcade#, the minimum clear spacing between columns at the face of the #building# may be reduced to 18 feet, provided the height of the #arcade# is not less than 30 feet.

A portion of the #covered pedestrian space# shall be public sitting areas with appropriate facilities such as cafes or other public seating arrangements.

Entrances to lobbies may be permitted along the boundary of a #covered pedestrian space#. The #floor area# of an entrance lobby shall not be considered as part of the #covered pedestrian space#. Where a #zoning lot# is bounded by more than one #street#, or by the combination of #streets#, #publicly accessible open areas# or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

Where the space is heated or air-conditioned, the standards for heating, ventilating and air-conditioning shall be at least equal to that of the lobby.

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

An information plaque shall be provided that contains a public space symbol and required text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and required text shall include the phrase "Open To Public" and shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of

New York.

When a #through block arcade# provides public access to a #covered pedestrian space#, the opening at the point shall be at least 30 feet wide and 30 feet high. The two openings at the face of the #building# to the #through block arcade# shall be at least 20 feet wide and 30 feet high for a depth of 30 feet and shall be unobstructed except for stairs, ramps and escalators. If such space is air-conditioned, only one opening at the face of the #building# need comply with the partial enclosure requirements of the preceding paragraph.

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than 30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.

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## 74-853 - Findings for covered pedestrian spaces

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LAST AMENDED  
12/5/2024

As a condition for permitting such bonus #floor area#, the City Planning Commission shall find that:

- (a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;
- (b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;
- (c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;
- (d) appropriate #commercial# #uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;
- (e) the distribution of the #bulk# on the #zoning lot# permits satisfactory access of light and air to surrounding #streets# and properties; and
- (f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

The Commission may permit modification of the entrance requirements for #covered pedestrian spaces#, provided that the Commission finds that the entrance is so designed as to ensure prominent public notice and promote public pedestrian circulation through such space.

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## 74-86 - Bulk Modifications for Telephone Exchanges or Other Communication Equipment Structures

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LAST AMENDED  
12/5/2024

In C1 and C2 Districts when mapped in R6 through R12 Districts, and in C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C4-9, C4-11, C4-12, C5-1, C6-1, C6-2, C6-3, C7, C8-2, C8-3, C8-4, M1-1A through M1-4A, M1-2 through M1-5, M2 and M3 Districts, the City Planning Commission may permit modification of the #bulk# regulations for telephone exchanges or other communications equipment structures not existing on December 15, 1961, provided that the #zoning lot# has a minimum area of 40,000 square feet, a #floor area ratio# of no greater than 10.0 and that the following findings are made:

- (a) that the growth of the utility service demand to be served by the facility requires the construction of a #building or other structure# that would exceed the allowable #bulk# permitted by the district regulations;
- (b) that provisions of new or additional facilities at other locations would cause substantial duplication of plant and facilities;
- (c) that the proposal is the minimum modification necessary to permit the additional facilities needed to serve the demand;
- (d) that the design of the facility will not adversely affect the character of the neighborhood;
- (e) that the existing #street# and public transportation system will not be adversely affected; and
- (f) that, where appropriate and feasible in the judgment of the Commission, the applicant provides a public amenity for the benefit of the affected community.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and shall require that the certificate of occupancy shall be limited to such #use#.

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## **74-90 - ADDITIONAL PERMITS**

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LAST AMENDED  
6/6/2024

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### **74-901 - Bulk modifications for laboratories**

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LAST AMENDED  
6/6/2024

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit, in conjunction with a laboratory listed under Use Group VII, modifications to #bulk# regulations, other than #floor area ratio#, provided that the following findings are met.

In order to grant the special permit, the Commission shall find that the proposed #bulk# modifications:

- (a) will not unduly affect the essential character or impair the future use and development of the surrounding area; and
- (b) will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

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### **74-902 - Certain community facility uses in R1 and R2 Districts and certain Commercial Districts**

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LAST AMENDED  
6/6/2024

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#,

#extension# or #enlargement# or change of #use# involving any #community facility uses# listed in Use Group III permitted as-of-right pursuant to the provisions of Sections [22-13](#), or #long-term care facilities# for which a special permit has been granted pursuant to Section [74-131](#), the City Planning Commission may permit the allowable #community facility# #floor area ratio# and #lot coverage# of Section [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
- (b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-903 - Certain community facility uses in R3 to R12 Districts and certain Commercial Districts**

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LAST AMENDED  
3/22/2016

The City Planning Commission may permit the #community facility# #floor area ratio# and the #community facility# #bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

- (a) The Commission may permit:
  - (1) in R3 through R9 Districts, or in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility# #floor area ratio# of Section [24-11](#) (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group III;
  - (2) in R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C1 or C2 Districts mapped within R3-1, R3A, R3X, R4-1, R4A, R4B, R5A or R5B Districts, or in C3A Districts, the #community facility# #floor area

ratio# of Section [24-11](#) to apply to #buildings# containing #long-term care facilities#, as listed in Use Group III;

- (3) in R3-2 Districts, or R4 or R5 Districts without a letter or number suffix, or in C1 or C2 Districts mapped within an R3-2 District or within an R4 or R5 District without a letter suffix, or in C3 Districts without a letter suffix, or in C4-1 Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section [24-11](#), to apply to #buildings# containing #long-term care facilities#; or
- (4) in R6 through R12 Districts without a letter suffix, and in #Commercial Districts# mapped within, or with a #residential equivalent# of such districts, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3 or Article III, Chapter 5, as applicable, and the #community facility# #floor area ratio# of Section [24-11](#), as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility# #floor area ratio# or #community facility# #bulk#, as applicable, the Commission shall find that:

- (1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
- (2) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (3) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-91 - Modification of Public Plazas

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LAST AMENDED  
12/5/2024

In all districts, the City Planning Commission may permit modification of the provisions of Section [37-70](#) (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections [23-22](#) (Floor Area Regulations for R6 through R12), [24-14](#) or [33-13](#) (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

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## 74-92 - Bulk Modifications for Museums in M1-5 Districts

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For a #building# containing a museum listed under Use Group III(B), in an M1-5 District, on a #zoning lot# over which the High Line (as defined in Section [98-01](#)) passes, the Commission may modify height and setback regulations, provided that such modifications:

- (a) provide a better distribution of #bulk# on the #zoning lot#;
- (b) result in a better relationship of the #building# to open areas including the High Line, adjacent #streets# and surrounding properties;
- (c) provide adequate light and air for #buildings# on the #zoning lot# and do not adversely affect adjacent #zoning lots# by unduly restricting access to light and air to surrounding #streets# and properties; and
- (d) result in a #building# containing a museum #use# that facilitates the public's use and enjoyment of the High Line.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## 74-93 - Special Commercial or Mixed Use Developments in Commercial Districts

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Within the boundaries of Community District 6, Borough of Queens, for #commercial# or #mixed use# #developments# or #enlargements# on two or more #zoning lots# in more than one #block#, which #zoning lots#, as defined in Section [12-10](#), each have single fee ownership or equivalent ownership arrangements for all lots comprising the #development# or #enlargement#, which are contiguous or would be contiguous but for their separation by a #street#, and located partially in a C4-2 District, partially in a C4-2F District, the City Planning Commission may permit upon application:

- (a) reduction of the parking requirement of Section [36-21](#) (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #uses# proposed;
- (b) any closed and demapped air space above a #street# to be considered as a part of the #development# or #enlargement# and to be used for automobile ways, or for pedestrian ways, provided the Commission finds that:
  - (1) each bridge over the #street# bed utilizes only unused #floor area# from an adjoining #zoning lot# within the #development# or #enlargement# and that no #floor area# credit is generated from the demapped air space;
  - (2) each bridge adjoins #zoning lots# which are wholly within the #development# or #enlargement#;
  - (3) the #curb levels# of the adjoining #zoning lots# are not affected by the closing and demapping of such air space;
  - (4) all #street# frontages of the #zoning lots# under each bridge are provided with satisfactory lighting; and
  - (5) a landscaped open, covered or enclosed space for public use at #street# level, linked with the pedestrian circulation system, is provided in one location within the #development# or #enlargement#, which open, covered or enclosed space is at least equivalent to the #street# area covered by the bridges, has a minimum area of 20,000 square feet and is maintained with planting and seating facilities, by the owner of the #development# or #enlargement# or his designee, said open, covered or enclosed space to be subject to such other requirements as the Commission may

deem appropriate;

- (c) automobile service establishments, including: automobile, tire, battery, muffler and accessories establishments, including installation services; automobile glass and mirror shops, including installation services where such #use# is an integral part of the permitted principal #use#; automotive seat cover or convertible top establishments, including installation service, but not including automobile laundries; automobile painting establishments; automobile body repair establishments; or automobile fuel service stations;
- (d) modification of applicable #bulk# regulations by permitting the total permitted #floor area# for all #zoning lots# within such #development# or #enlargement# to be distributed without regard to #zoning# #lot lines# and permitting the location of #buildings# without regard for the applicable height and setback regulations, provided the Commission finds that:
  - (1) such distribution of #floor area# and location of #buildings# will result in better site planning and will thus benefit both the neighborhood and the City as a whole; and
  - (2) such distribution of #floor area# and location of #buildings# will permit adequate access of light and air to surrounding #streets# and properties; and
- (e) modification of the applicable provisions of Sections [32-64](#) (Surface Area and Illumination Provisions) and [32-65](#) (Permitted Projection or Height of Signs), provided that the Commission finds that such modification will result in a better site plan.

The Commission may impose additional conditions and safeguards to improve the quality of the #development# or #enlargement# and minimize adverse effects on the character of the surrounding area, including restrictions on permitted #commercial# #uses#, #signs# and location of curb cuts to ease vehicular and pedestrian circulation in the area.

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## 74-94 - Industrial Business Incentive Areas

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LAST AMENDED

12/5/2024

For #developments# or #enlargements# on #zoning lots# located within any Industrial Business Incentive Area specified on the maps in Section [74-968](#) (Maps of Industrial Business Incentive Areas), the City Planning Commission may increase the maximum permitted #floor area ratio# in accordance with Section [74-963](#) (Permitted floor area increase). In conjunction with such #floor area# increase, the Commission may permit modifications to other #bulk# regulations, provisions for publicly accessible open spaces, as well as parking and loading requirements for such #developments# or #enlargements#, pursuant to Section [74-964](#) (Modifications in conjunction with a floor area increase).

All applications for a special permit pursuant to this Section, inclusive, shall be subject to the requirements, conditions and findings set forth in Section [74-962](#) (Application requirements), Section [74-965](#) (Conditions), Section [74-966](#) (Findings), and Section [74-967](#) (Compliance, recordation and reporting requirements).

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## 74-941 - Definitions

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LAST AMENDED

12/5/2024

For the purposes of Section [74-96](#) (Industrial Business Incentive Areas), inclusive, a “required industrial use” and an “incentive use” shall be defined as follows:



## Incentive Use

An “incentive use” is a #use# permitted by the applicable zoning district, that is allowed to occupy the additional #floor area# generated by a #required industrial use# with the exception of the following #uses#:

### From Use Group V

All #uses# listed under Use Group V

### From Use Group VI

All #uses# listed under Use Group VI, other than industrial drycleaning and laundry services or #uses# listed under Repair and Maintenance

### From Use Group VIII

All #uses# listed under Use Group VIII, other than #uses# listed under Art Galleries and Studios

### From Use Group IX

All #uses# listed under Use Groups IX(A) or IX(C).

## Required Industrial Use

A “required industrial use” is a #referenced commercial and manufacturing use# that helps achieve a desirable mix of #commercial# and #manufacturing uses# in an Industrial Business Incentive Area, and that generates additional #floor area# pursuant to provisions set forth in Section 74-962.

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## 74-942 - Application requirements

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LAST AMENDED

12/5/2024

All applications for a special permit pursuant to this Section shall include the following:

- (a) site plans and elevations which shall establish distribution of #floor area#, height and #setback#, sidewalk widths, primary business entrances, including parking and loading, #yards# and publicly accessible open space, signage and lighting;
- (b) floor plans of all floors which shall establish the location, access plan and dimensions of freight elevators and loading areas and the location of #floor area# dedicated to #required industrial uses# and #incentive uses#;
- (c) drawings that show, within a 600-foot radius, the location and type of #uses#, the location, dimensions and elements of off-site open areas including #streets#, waterfront and #upland# parcels, elements of a Waterfront Access Plan, as applicable, and the location of #street# trees and #street# furniture and any other urban design elements. Where applicable, for applications in Industrial Business Incentive Area 1, the plans shall demonstrate that any publicly accessible open space provided meets the requirements of paragraph (f) of Section [74-965](#) (Conditions); and
- (d) for #zoning lots# in #flood zones#, flood protection plans, location of mechanical equipment, areas for storage of any hazardous materials and proposed structural or design elements intended to mitigate the impacts of flood and storm events.

74-943 - Permitted floor area increase

LAST AMENDED  
12/5/2024

In Industrial Business Incentive Areas, the City Planning Commission may increase the maximum #floor area ratio# on a #zoning lot# in accordance with the Table in this Section.

For #developments# or #enlargements# in the district indicated in Column A, for each square foot of #required industrial uses#, the base maximum #floor area ratio# on a #zoning lot#, set forth in Column B may be increased by 3.5 square feet up to the maximum #floor area ratio# for all #uses# on the #zoning lot# as set forth in Column E, provided that such increase in #floor area# is occupied by #required industrial uses# and #incentive uses# up to the maximum #floor area ratio# set forth in Column C (Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#), and Column D (Maximum Additional #Floor Area Ratio# for #Incentive Uses#), respectively. In no event shall such #development# or #enlargement# include a #transient hotel#.

FLOOR AREA INCREASE PERMITTED  
IN INDUSTRIAL BUSINESS INCENTIVE AREAS

A	B	C	D	E
District	Base Maximum #Floor Area Ratio#	Maximum Additional #Floor Area Ratio# for #Required Industrial Uses#	Maximum Additional #Floor Area Ratio# for #Incentive Uses#	Maximum #Floor Area Ratio# for All #Uses#
M1-2	2.0	0.8	2.0	4.8
M1-4	2.0	1.3	3.2	6.5

Applications for such #floor area# increases are eligible for modifications set forth in Section [74-964](#) (Modifications in conjunction with a floor area increase), and are subject to the conditions set forth in Section [74-965](#) and findings set forth in Section 74-966.

74-944 - Modifications in conjunction with a floor area increase

LAST AMENDED  
12/5/2024

In Industrial Business Incentive Areas, the City Planning Commission may modify the following in conjunction with an application for a #floor area# increase pursuant to Section [74-963](#) (Permitted floor area increase).

- (a) Bulk modifications
  - (1) Yard regulations

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section [43-20](#) (YARD REGULATIONS), inclusive, shall be modified pursuant to the provisions of paragraph (c) of Section [74-965](#)

(Conditions). In addition, the Commission may modify any other #yard# regulations set forth in Section [43-20](#), inclusive.

(2) Height and setback regulations

- (i) In Industrial Business Incentive Area 1, the height and setback regulations of Section [43-40](#) (HEIGHT AND SETBACK REGULATIONS), inclusive, shall be modified pursuant to the conditions of paragraph (d) of Section [74-965](#).
- (ii) In Industrial Business Incentive Area 2, the Commission may modify the height and setback regulations of Section [43-40](#), inclusive.

(b) Modification for publicly accessible open space

In Industrial Business Incentive Area 1, where a publicly accessible open space is provided pursuant to paragraph (f) of Section [74-965](#), the Commission may modify the provisions of Section [37-70](#) (PUBLIC PLAZAS), inclusive.

(c) Parking and loading modifications

In all Industrial Business Incentive Areas, the Commission may reduce or waive the off-street parking requirements set forth in Section [44-20](#) (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), inclusive, not including bicycle parking, and may also reduce or waive the loading berth requirements as set forth in Section [44-50](#) (OFF-STREET LOADING REGULATIONS), inclusive.

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## 74-945 - Conditions

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LAST AMENDED  
12/5/2024

In Industrial Business Incentive Areas, applications for #floor area# increases pursuant to Section [74-963](#) (Permitted floor area increase) and modifications pursuant to Section [74-964](#) (Modifications in conjunction with a floor area increase), are subject to the following conditions:

(a) Minimum amount of #required industrial uses#

#Required industrial uses# shall occupy a minimum horizontally contiguous #floor area# of 5,000 square feet in Industrial Business Incentive Area 1, and 2,500 square feet in Industrial Business Incentive Area 2, and shall be served by loading areas and freight elevators with sufficient capacity.

(b) Minimum sidewalk width

In all Industrial Business Incentive Areas, all #developments# and horizontal #enlargements# that front upon a #street line# shall provide a sidewalk with a minimum width of 15 feet along the entire frontage of the #zoning lot#. Such sidewalk, and any open area on the #zoning lot# required to meet such minimum width shall be improved as a sidewalk to Department of Transportation standards; shall be at the same level as the adjoining public sidewalk; and shall be accessible to the public at all times.

(c) Yards

In all Industrial Business Incentive Areas, the #rear yard# regulations set forth in Section [43-20](#) (YARD REGULATIONS), inclusive, shall not apply to any #development# or #enlargement# on a #through lot# or the

#through lot# portion of a #zoning lot#.

(d) Height and setback

In Industrial Business Incentive Area 1, the #street wall# location requirements and height and setback regulations of this paragraph shall apply to any #development# or #enlargement#. For the purposes of applying the provisions of this paragraph, any sidewalk widening line provided pursuant to the minimum sidewalk width requirement of paragraph (b) shall be considered the #street line#. All heights shall be measured from the #base plane#.

- (1) The #street wall# of any #building# shall be located on the #street line# and shall extend to a height not lower than a minimum base height of 40 feet and not higher than a maximum base height of 75 feet or the height of the #building#, whichever is less. At least 70 percent of the aggregate width of such #street wall# below 12 feet shall be located at the #street line# and no less than 70 percent of the aggregate area of the #street wall# up to the base height shall be located at the #street line#. However, up to a width of 130 feet of such #street wall# located on the short end of the #block# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section.
- (2) The height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or within 15 feet of a #narrow street# shall not exceed a maximum base height of 75 feet. Permitted obstructions as set forth in Section [43-42](#) shall be modified to include dormers above the maximum base height within the front setback area, provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 50 percent of the #street wall# and a maximum height of 110 feet. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building# height of 110 feet. Where a publicly accessible open space is provided pursuant to paragraph (f) of this Section, such maximum #building# height may be increased to 135 feet.
- (3) Along the short dimension of a #block#, up to 130 feet of such #street wall# may be set back from the #street line# to accommodate a publicly accessible open space provided pursuant to paragraph (f) of this Section, and a #street wall# located at the #street line# that occupies not more than 40 percent of the short end of the #block# may rise without setback to the maximum #building# height.

(e) Ground floor design

In all Industrial Business Incentive Areas the ground floor level #street walls#, and ground floor level walls fronting on a publicly accessible open space of a #development# or horizontal #enlargement# provided pursuant to paragraph (f) of this Section, shall be glazed in accordance with the provisions of Section [37-34](#) (Minimum Transparency Requirements).

(f) Publicly accessible open space

In Industrial Business Incentive Area 1, a publicly accessible open space shall be provided where the additional #building# height provision of paragraph (d)(2) of this Section is used. Such publicly accessible open space shall contain an area of not less than 12 percent of the #lot area# of the #zoning lot# and a minimum of at least 2,000 square feet in area. In addition, such publicly accessible open space shall comply with the provisions set forth in Section [37-70](#) (PUBLIC PLAZAS), inclusive, except that certification requirements of Sections [37-73](#) (Kiosks and Open Air Cafes) and [37-78](#) (Compliance) shall not apply.

(g) Signs

In all Industrial Business Incentive Areas, the following shall apply:

- (1) #Signs# shall be subject to the regulations applicable in C6-4 Districts as set forth in Section [32-60](#) (SIGN

REGULATIONS), inclusive. Information #signs# provided pursuant to paragraph (g)(2) of this Section shall not count towards the maximum permitted #surface area# regulations of Section [32-64](#) (Surface Area and Illumination Provisions), inclusive.

- (2) An information #sign# shall be provided for all #buildings# subject to the #use# restrictions of this special permit. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building#. The #sign# shall be placed so that it is directly visible, without any obstruction, to persons entering the building, and at a height no less than four feet and no more than five and a half feet above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain: the name and address of the building in lettering no less than three-quarters of an inch in height; and the following statement in lettering no less than one-half of an inch in height, “This building is subject to Industrial Business Incentive Area regulations which require a minimum amount of space to be provided for specific industrial uses.” The information #sign# shall include the internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b) of Section [74-967](#) (Compliance, recordation and reporting requirements) is available to the public.

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## 74-946 - Findings

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LAST AMENDED  
12/5/2024

In order to grant additional #floor area# and any modifications to #bulk#, publicly accessible open space or parking and loading regulations, the City Planning Commission shall find that:

- (a) For all applications with a #floor area# increase, and for any applications with #bulk# modifications, such increase or modification:
  - (1) will promote a beneficial mix of #required industrial# and #incentive uses#;
  - (2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
  - (3) will result in a #building# that has a better design relationship with surrounding #streets# and adjacent open areas;
  - (4) will result in a #development# or #enlargement# that will not have an adverse effect on the surrounding neighborhood; and
  - (5) will, for #yard# or height and setback regulations, provide a better distribution of #bulk# on the #zoning lot# and will not unduly obstruct the access to light and air of surrounding #streets# and properties.
- (b) Where modifications to publicly accessible open space requirements of paragraph (f) of Section [74-965](#) (Conditions) are proposed, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.
- (c) Where modifications to parking or loading regulations are proposed:
  - (1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;
  - (2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and

loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;

- (3) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and
- (4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

The Commission may prescribe appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-947 - Compliance, recordation and reporting requirements**

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LAST AMENDED

12/5/2024

Applications for #floor area# increases and modifications in Industrial Business Incentive Areas are subject to the following requirements:

(a) Compliance and recordation

Failure to comply with a condition or restriction in a special permit granted pursuant to Section [74-96](#) (Industrial Business Incentive Areas), inclusive, or with applicable approved plans, or with provisions of paragraphs (a), (b) and (c) of this Section, shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation of such special permit, and for the implementation of all other applicable remedies.

A Notice of Restrictions, the form and content of which shall be satisfactory to the Commission, for a property subject to #use# restrictions or #public plaza# requirements, as applicable, pursuant to this Section, shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's office in the county where the tax lot is located.

The filing and recordation of such Notice of Restrictions shall be a precondition to the issuance of any building permit utilizing the provisions set forth in this Section. The recording information shall be referenced on the first certificate of occupancy to be issued after such notice is recorded, as well as all subsequent certificates of occupancy, for as long as the restrictions remain in effect. No temporary certificate of occupancy for any portion of the #building# to be occupied by #incentive uses# shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the #building# required to be occupied by #required industrial uses#.

(b) Periodic notification by owner

No later than the 20th day after the lease executed by a new tenant permits occupancy of any #required industrial space#, the owner of a #building# subject to #use# restrictions of this special permit shall provide the following information at the designated internet URL, or other widely accessible means of electronically transmitting and displaying information to the public pursuant to paragraph (g)(2) of Section [74-965](#) (Conditions). If no new tenant executes a lease for any #required industrial space# within the calendar year, such information shall be provided no later than the 20th day of the following calendar year. Such electronic information source shall be accessible to the general public at all times and include the information specified below:

- (1) the date of the most recent update of this information;

- (2) total #floor area# of the #required industrial uses# in the #development#;
- (3) a digital copy of all approved special permit drawings pursuant to Section [74-962](#) (Application requirements);
- (4) the name of each business establishment occupying #floor area# reserved for #required industrial uses#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area#, the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;
- (5) contact information, including the name of the owner of the #building# and the building management entity, if different, the name of the person designated to manage the #building#, and the street address, current telephone number and e-mail address of the management office. Such names shall include the names by which the owner and manager, if different, do business and are known to the public; and
- (6) all prior periodic notification information required pursuant to the provisions of this paragraph (b). However, such notification information that is older than four years from the date of the most recent update need not be included.

(c) Annual reporting by qualified third party

No later than June 30 of each year, beginning in the first calendar year following the calendar year in which a temporary or final certificate of occupancy was issued for a #building# subject to #use# restrictions of this Section, the owner of a #building# subject to #use# restrictions of this Section shall cause to be prepared a report on the existing conditions of the #building#, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed.

The inspection shall be preceded by an annual notification letter from the owner of a #building# subject to #use# restrictions of this Section to all the #required industrial use# tenants of the #building# announcing the date of such inspection, that the organization conducting the inspection shall have access to the spaces occupied by #required industrial uses#, and encouraging the tenants to provide information including, but not limited to, the number of employees for each such space, to the organization.

The owner of a #building# subject to #use# restrictions of this Section shall cause such report to be prepared by an organization under contract with the City to provide inspection services, or on the Department of Small Business Services list of certified firms that provides such inspection services, or by an organization that the Commissioner of the Department of Small Business Services determines to be qualified to produce such report, or, in Industrial Business Incentive Area 2, by a special inspection agency that is registered with the City as established in Section 28-101.5 of the Administrative Code. Such organization or agency selected by the owner to prepare such report shall have a professional engineer or a registered architect, licensed under the laws of the State of New York, certify the report. Such report shall be in a form provided by the Director of the Department of City Planning, and shall include all of the information required pursuant to the provisions of paragraph (b) of this Section, and additional information as set forth in this paragraph (c):

- (1) a description of each establishment including the North American Industry Classification System (NAICS) code and number of employees;
- (2) the total amount of #required industrial use# #floor area# that is vacant, as applicable;
- (3) the average annual rent for the portions of the #building#, in the aggregate, required to be occupied by #required industrial uses#. However, prior to 36 months from the date of execution of a lease by the first #required industrial use# tenant in the building, no such figure shall be required to be included in any report due pursuant to this paragraph (c). For all calendar years following the year in which the first average annual rent figure is required to be submitted as part of an annual report, the average annual rent figure reported shall be for the

annual average rent for the calendar year two years prior to the year in which the report is due; and

- (4) the number of new leases executed during the calendar year, categorized by lease duration, in five year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local City Council member shall be included in such transmission.

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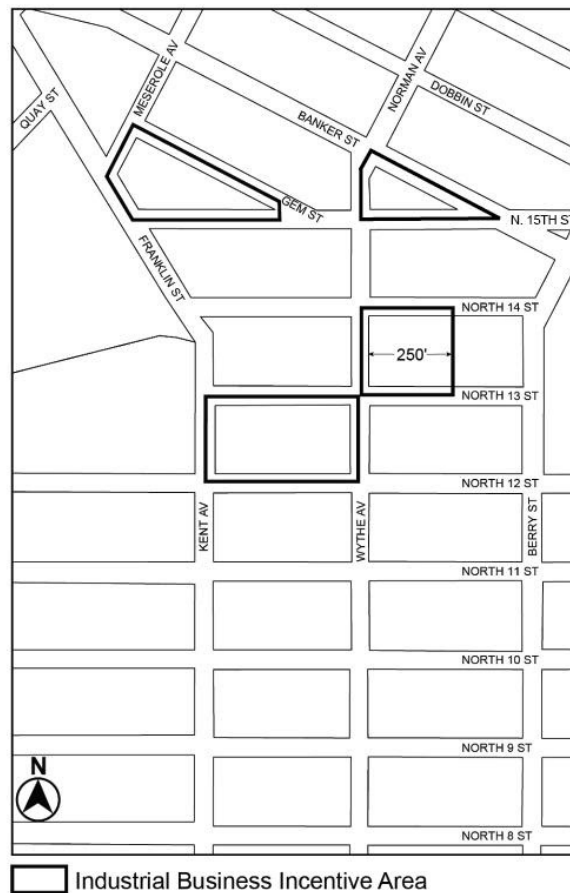
## 74-948 - Maps of Industrial Business Incentive Areas

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LAST AMENDED

12/5/2024

### Map 1: Brooklyn

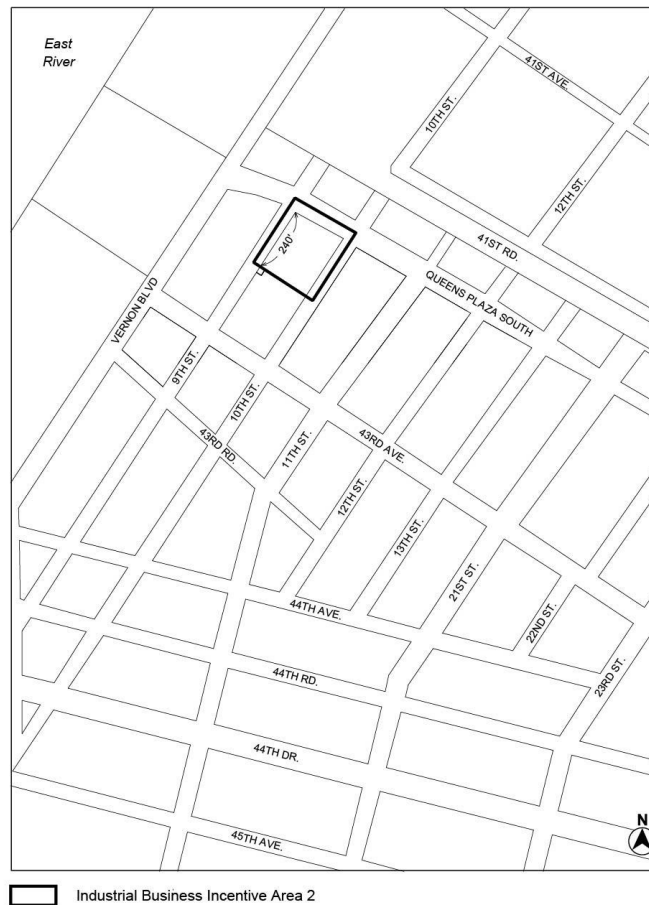


Portion of Community District 1,

Borough of Brooklyn

### Map 2: Queens





Portion of Community District 2,

Borough of Queens

## 74-95 - Bulk Modifications for Irregular Sites

LAST AMENDED

12/5/2024

For #developments# or #enlargements# of #buildings# containing #residences# on #zoning lots# with irregular site conditions, the City Planning Commission may permit modifications to the applicable #bulk# regulations, other than #floor area ratio#, provided that the following findings are met:

- (a) there are physical conditions, including, but not limited to, irregular lot size or shape, topographical features, the presence of an existing #building# or proximity to transportation infrastructure, that creates practical difficulties in complying with the applicable #residential# #bulk# regulations and would adversely affect the configuration of #residences# or the #building# site plan;
- (b) the practical difficulties of #developing# on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#; the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and

(d) the requested modification is necessary to relieve such practical difficulties.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

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## **74-96 - Lapse of Authorization or Special Permit**

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LAST AMENDED

12/5/2024

Any authorization or special permit granted by the City Planning Commission pursuant to this Chapter shall automatically lapse if substantial construction has not been completed as set forth in Section [11-42](#) (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution). For any renewal of such authorization or special permit, the provisions of Section [11-43](#) (Renewal of Authorization or Special Permit) shall apply.